

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MIKE BENAVIDES, et al.
Plaintiffs

v.

CITY OF AUSTIN
Defendant

§
§
§
§
§
§
§

Civil No. 1:11-CV-438-LY

**AFFIDAVIT OF B. CRAIG DEATS IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEY FEES**

I, B. Craig Deats, am over twenty-one years of age and am competent to make this affidavit. I have never been convicted of a felony or a misdemeanor involving moral turpitude. Having been placed under oath and sworn to tell the truth I hereby do solemnly swear that the following facts are of my own personal knowledge and are true and correct.

1. I am the lead attorney representing Plaintiffs Michael Benavides, et al., in their claim against the City of Austin, alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§201 et seq.

2. I am submitting this affidavit in support of Plaintiffs' Motion for Attorney Fees.

REPORT OF ATTORNEY AND STAFF HOURS EXPENDED

3. The Plaintiffs were previously represented by a different attorney. That attorney withdrew from representation in 2011 after obtaining employment elsewhere. Since my involvement with this case, my law firm has maintained contemporaneous records of the services that we have rendered representing the plaintiffs and the amount of hours expended by the lawyers, law clerks, and paralegals.

4. A true and correct report indicating the number of hours expended by me and other attorneys and legal staff in pursuing the Plaintiffs' claims under the Fair Labor Standards

Act is attached hereto as **Exhibit A**.

5. The report is organized first by the initials of the attorney or employee. Then, for each individual, the time entries are arranged chronologically and list the activity or project, date, and hours expended on the particular activity or project. The initials used correspond to the following individuals and their titles:

Initials	Person's Name	Title
AT	Alexandra Tauchman	Paralegal
BCD	B. Craig Deats	Partner
LC	Various	Law Clerk
MB	Matt Bachop	Associate Attorney
MO/MPO	Martha Owen	Partner
MQ/MQP	Manuel Quinto-Pozos	Associate Attorney
PD	Phil Durst	Partner

6. All of the time reported in the attached exhibit was time actually spent representing the Plaintiffs. Because Plaintiffs were successful in obtaining full backpay relief in their claim that they were misclassified as overtime exempt by the City for purposes of the FLSA, all of the hours spent pursuing that claim, regardless of whether they were spent pursuing the “salary basis” or the “primary duties” elements of the exemption, have been included in the exhibit. This approach is consistent with attorney fee awards in cases in the Fifth Circuit, including *Singer v. City of Waco*, 324 F.3d 813, 829 (5th Cir. 2003), *cert. denied*, 540 U.S. 1177 (2004) and *Black Heritage Society v. City of Houston*, No. H-07-0052, 2008 WL 2769790 (S.D. Tex. 2008) (First Amendment case).

7. However, I have reviewed the services and hours and modified the actual hours expended to take into account the varying success that the plaintiffs had in this litigation. More specifically, I have segregated the time, to the extent such segregation is possible and/or

appropriate, so that the only time that is presented to the Court for recovery is time attributable to the plaintiffs' claim establishing that they were misclassified for purposes of the FLSA.

8. I excluded time spent by me or other lawyers or staff in my firm in responding to the City's Motion for Summary Judgment on Statute of Limitations and time spent on matters directly related to that motion. The Plaintiffs were unsuccessful in opposing that motion, and their recovery period was reduced as a result of Defendant's success on the motion. The excluded time entries are noted by the red initials "SL" on the time report, and are tabulated on a chart immediately following the time report. The time excluded for this reason is as follows: 18.9 hours of partner time, 47.6 hours of associate attorney time and 21 hours of law clerk time.

9. In some instances listed under my initials ("BCD"), a few time entries appear to be duplicates or near duplicates in that the activity or project description and hours expended are identical (or nearly so) and the date of the activity or project is the same. These entries are not true duplicates but can instead be explained by the fact that they were for activities that applied equally to the two separate lawsuits involving a number of the same plaintiffs and raising the same claims, but for two different time periods. The cases were *Alvarez et al. v. City of Austin* (Case No. 11-cv-471) and *Benavides et al. v. City of Austin* (Case No. 11-cv-438). The cases were subsequently consolidated; the duplicate time entries were made prior to the consolidation of the cases. Therefore, these time entries are not erroneously included.

10. Additionally, in four instances, time entries for Manuel Quinto-Pozos have been excluded because they erroneously reflect time spent on unrelated matters. Those entries are redacted in the time reports in Exhibit A (pp. 56 and 63), and the time corresponding to those entries has been excluded. A chart of adjustments follows the time reports in Exhibit A.

11. I have carefully reviewed my files and time records for the purpose of

determining the services rendered and the number of hours expended by my firm in representing the plaintiffs in this action. The hours stated are based upon contemporaneous time records and a thorough review of the file. In setting forth this time I have exercised reasonable billing judgment and have not charged for work that would not normally be billed. I believe all of the work I performed on the attached billing statements materially advanced the claims upon which liability was established and is directly attributable to these claim. We have attempted to be as efficient as possible in handling this claim and the attached billing statements understate the amount of work done in this case. In sum, the hours expended were actually expended on the topics stated in the report, and the amount of time charged, in my opinion and based on my experience, is reasonable.

HOURLY RATES

12. I was lead counsel and the partner of my law firm primarily responsible for this case. I am certified in Labor and Employment Law by the Texas Board of Legal Specialization. I have been licensed to practice law for approximately 35 years and have been practicing labor and employment law, primarily in Austin and Texas, almost exclusively for all that time. A copy of my current CV is attached hereto as **Exhibit D**. Martha Owen and Phil Durst, my law partners who each performed few hours of work on the case, have both been licensed to practice law a minimum of 30 years. Each has over 20 years' experience in labor and employment law.

13. I remain abreast of the developing jurisprudence regarding court-awarded attorneys' fees and periodic annual studies in legal publications of attorney fee rates being charged in the Austin area. As a result, I am familiar with reasonable rates that attorneys of various skill levels have charged, and are currently charging, in the Austin, Texas market.

14. Manuel Quinto-Pozos is an associate attorney in my law firm. He has been

licensed to practice law since 2007 in Illinois and since 2009 in Texas, and he is 38 years old. A copy of his current CV is attached hereto as **Exhibit E**. Associate Matt Bachop performed a limited amount of work on this matter. He has likewise been admitted to practice law in Texas since 2007.

15. A true and correct copy of a report of 2011 hourly rates charged by attorneys throughout the state conducted by *Texas Lawyer* is attached hereto as **Exhibit B**. The report states that, in 2013, the median hourly rate of an “Equity Partner” in the state was \$388. In Austin, the median rate was \$353. A median hourly rate for a 7th-year associate in the state was \$300, and in Austin the median rate was \$295. Finally, the median hourly rate for a “Senior Legal Assistant” was \$146 state-wide and \$150 in Austin.

16. In *Johnson v. Big Lots Stores, Inc.*, 639 F. Supp. 2d 696, 701-702 (E.D. La. 2009), the court found that reasonable hourly rates for work performed between 2004 and 2009 were \$300 for partners, \$225 for associates and \$75 for paralegals.

17. Alexandra Tauchman has a Bachelor’s degree and has been a paralegal in labor and employment and workers’ compensation matters for over 5 years. The law clerks employed by my firm have all been second- or third-year students at the University of Texas Law School.

18. Based on the above information, I feel the appropriate hourly fee to compensate for the services that I and other law partners performed is \$375 per hour. The appropriate hourly fee to compensate for associate attorney time is \$225 per hour. The appropriate hourly fee to compensate for the paralegal and law clerk time is \$100 per hour.

19. Because of my practice in the federal and state Courts of Texas, especially here in Travis County, I am well acquainted with the usual and customary fees charged by attorneys, paralegals, and law clerks for employment litigation and am well acquainted with the usual and

customary rates charged and awarded in connection with such litigation. This usual and customary fee currently is between \$300 to \$400.00 per hour for attorneys of similar ability, depending upon:

- the time and labor required for the litigation;
- the novelty and difficulty of the questions presented;
- the skill required to perform the legal services properly;
- the preclusion of other employment by the attorney due to acceptance of the case;
- the customary fee;
- whether the fee is fixed or contingent;
- time limitations imposed by the client or the circumstances;
- the amount involved and the result obtained;
- the experience, reputation and ability of the attorneys;
- the “undesirability” of the case;
- the nature and length of the professional relationship with the client; and
- awards in similar cases.

20. In summary, the rates claimed are reasonable. The lodestar amount of fee and expenses that should be awarded are reflected in the attached billing statements, which accurately reflect plaintiffs’ reasonable and necessary attorney fees incurred through the date of this affidavit (with some attorney-client and/or work-product information redacted governing specific communications and/or issues), as modified as described in this affidavit.

21. Plaintiffs seek recovery of 461.50 hours of partner time, 784.83 hours of associate attorney time, 67.53 hours of paralegal time and 50.90 hours of law clerk time for work performed through the date of reflected on these billing statements, that is, through February 6, 2014, as calculated in accordance with the method described herein. At the rate of \$375 per hour for partner time, \$225 for associate attorney time and \$100 for paralegal or law clerk time, the amount claimed for attorneys fees is \$361,492.25 through the trial of this matter, which is a reasonable and necessary fee in this matter. The fee sought is reduced by \$19,242.50 from the “raw” or original amount of \$380,734.75. Please note again that the hours excluded

(“Reduction”) are those spent on the Statute of Limitations issue on which Plaintiffs were unsuccessful. The fees claimed are as follows:

Title	Rate	“Raw” Hours		Reduction		Adjusted Hours	
		Hours	Total	Hours	Total	Hours	Total
Partner	\$375/hr	479.00	\$179,625.00	17.5	\$6,562.50	461.50	\$173,062.50
Associate Attorney	\$225/hr	831.23	\$187,026.75	46.4	\$10,440.00	784.83	\$176,586.75
Paralegal	\$100/hr	67.53	\$6,753.00	0.00	\$0.00	67.53	\$6,753.00
Law Clerk	\$100/hr	73.30	\$7,330.00	22.4	\$2,240.00	50.90	\$5,090.00

REPORT OF COSTS

22. In addition, our firm has incurred costs for filing fees, service fees, deposition costs, copying, mailing and other reasonable taxable costs for which compensation is sought. These costs are itemized on the attached **Exhibit C**. As a cover page to the itemized lists of costs, I have attached a Summary Sheet of Taxable Costs.

23. The report is organized chronologically and lists the date of the expense, the amount of the expense incurred, and a description of the expense. Although each expense includes the initials of an attorney or staff member, the initials are indicated for internal office purposes only and do not signify anything relevant to the Plaintiffs’ Motion.

24. In my opinion, no cost in the attached report was attributable solely to claims or issues for which the plaintiffs did not recover, such as the Defendant’s Motion for Summary Judgment on Statute of Limitations grounds. Therefore, no cost is excluded.

25. Thus, plaintiffs have incurred \$9,877.72 in reasonable and necessary costs allowed under 28 U.S.C. §1920 in this cause. The costs claimed were actually incurred on the items stated in the report, and the costs incurred and the amounts claimed are reasonable. It is equitable and just for these sums to be awarded the plaintiffs for their reasonable and necessary

attorney fees and costs.

26. Plaintiffs have additionally incurred other reasonable out-of-pocket expenses held to be recoverable under the FLSA, namely expenses for goods and services that were “necessarily obtained for use in the case.” These expenses are included in **Exhibit C** and consist primarily of legal research and a handful of parking and meal expenses incurred on deposition days. These expenses total \$6,098.22.

JOHNSON v. GEORGIA HIGHWAY EXPRESS FACTORS

27. Pursuing the Plaintiffs’ claims via this litigation was a time-consuming and laborious task. At the time of trial, twenty-nine Plaintiffs’ claims were before the Court (a handful of Plaintiffs had voluntarily dismissed some or all of their claims, and the Court’s pre-trial rulings eliminated a couple of Plaintiffs’ claims). The recovery period involved several years of pay and extensive records regarding pay, scheduling, duties and other matters. The Defendant initially attempted to pursue three different FLSA exemptions (i.e., executive, administrative and highly compensated employee exemptions), sought written discovery from every single Plaintiff and conducted oral depositions of nine Plaintiffs.

28. The Plaintiffs’ claims raised novel and difficult questions, including: the applicability of “the first responder regulation” (29 CFR 541.3(b)), the evolving federal case law interpreting this regulation, the salary basis test for state and municipal employees, the effect of deductions on employees’ compensation on a salary basis, the scope of Defendant’s loss of the exemption and its relation to backpay damages, the good faith or reasonable basis for Defendant’s classification of Plaintiffs as exempt, and others.

29. In my opinion, the skill required to properly pursue the Plaintiffs’ claims is high. The FLSA statute, regulations and guidance is complex and often confusing. By way of example,

there has been a spate of litigation concerning the so-called “first responder exception” to the executive exemption. *See, e.g., Mullins v. City of New York*, 523 F. Supp. 2d 339 (S.D.N.Y. 2007), *rev’d* 653 F.3d 104 (2d Cir. 2011); *Maestas v. Day & Zimmerman, LLC*, 664 F.3d 822 (10th Cir. 2012) (reversing trial court’s summary judgment in favor of defendants).

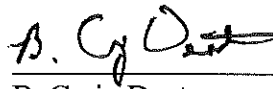
30. Pursuing Plaintiffs’ claims precluded me and others in my office from pursuing representation of other clients due to the time required to properly prosecute the claims. During trial, trial preparation, briefing and some discovery periods, my office devoted a significant portion of our available time to the Plaintiffs’ case, and for which other matters could not be pursued (as demonstrated by the time records themselves, attached as Exhibit A, and discussed above).

31. The undiscounted fee for a partner’s work is customarily set at \$350 to \$375 per hour by my office; the rate for an associate’s work is customarily set at \$225 to \$250 per hour; and the rate of paralegal time is customarily set at \$100 per hour by my office.

32. Some Plaintiffs initially sought back pay for a period beginning in 2005 (or 2004 in the case of a willful violation). The final judgment awarded Plaintiffs damages for a period beginning in April 2009, as well as 10% in liquidated damages, for a total of approximately \$1.19 million in damages.

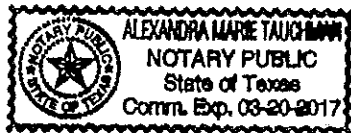
33. I have read this affidavit and it is true and correct and based upon my personal, first-hand knowledge.

Further the affiant sayeth not.



B. Craig Deats

Sworn to and subscribed before me this 20th day of February, 2014.





Notary Public in and for
The State of Texas

My commission expires: 3/20/17

EXHIBIT A

2/14/2014
12:17 PMDeats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 1

 Selection Criteria

Clie.Selection Slip.Slip Type	Include: CLEAT/Alvarez; CLEAT/Benavides Time
----------------------------------	---

Transaction Date Description	User Time
Initials: AT 11/2/2012 Trial preparation (exhibits)	AT 4.50
11/3/2012 Trial preparation (exhibits)	AT 3.33
11/4/2012 Trial preparation (exhibits)	AT 1.00
11/5/2012 Trial and trial preparation	AT 7.00
11/6/2012 Trial and trial preparation	AT 7.00
11/7/2012 Trial and trial preparation	AT 7.00
11/8/2012 Trial and trial preparation	AT 7.00
11/9/2012 Trial and trial preparation	AT 4.50
11/13/2012 Trial closing arguments; return to court to respond to jury question	AT 3.50
11/15/2012 Attend jury verdict, juror debriefing.	AT 2.20
7/23/2013 Reviewing discovery for damages calculations.	AT 3.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 2

Transaction Date Description	User Time
7/24/2013 Reviewing discovery for damages calculations.	AT 2.80
8/1/2013 Reviewing discovery for damages calculations.	AT 3.00
11/14/2013 Attend meeting at courthouse to run through exhibit presentation/audiovisual equipment.	AT 1.20
11/20/2013 Finalize exhibits; prepare hearing notebooks.	AT 4.60
11/21/2013 Attend hearing.	AT 5.40
Total: AT	67.53
<u>Initials: BCD</u>	
4/22/2011 Conference with client Bryan Fitzpatrick and Curt Brown, Local President Steve Stewart and John Burpo; go to Travis County Courthouse and review case file; review file provided by Tom Stribling; telephone calls to, from Ton Stribling, Robin Sanders (ACA), John Burpo and H.L. O'Neal re: [REDACTED]	BCD 3.00
4/23/2011 Review of case file; preparation of Stribling's Motion to Substitute Counsel, Second Amended Petition; e-mail to clients re: [REDACTED].	BCD 3.00
4/25/2011 Telephone call to H.L. O'Neal re: [REDACTED]; conference with MB re: needed research; open case file.	BCD 1.20
4/26/2011 Telephone call from J. Curtis re: [REDACTED] telephone call, e-mail from H.L. O'Neal re: [REDACTED] to discuss case status.	BCD 0.20
5/2/2011 Review of Consents to Sue; review and revise Plaintiffs' Second Amended Petition.	BCD 1.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 3

Transaction Date Description	User Time
5/3/2011 Conference with clients re: [REDACTED] date; review and revise Plaintiffs' Second Amended Petition; e-mail to client K. Brown re: [REDACTED].	BCD 1.80
5/9/2011 E-mails to, from B. Fitzpatrick re: [REDACTED]; preparation of motion to Substitute Counsel; telephone call to City's attorney re: same; e-mails to T. Stribling re: same.	BCD 1.00
5/11/2011 E-mail from, telephone call to Defendant's attorney re: impact of failure to promptly effect service on claims, Motion to Substitute Counsel.	BCD 0.40
5/12/2011 Preparation of new lawsuit (Alvarez); review and revise second Amended Petition in Benavides; telephone call to B. Fitzpatrick re: [REDACTED] research on salary basis issue; preparation of e-mail list; e-mail to clients re: [REDACTED] [REDACTED]	BCD 2.50
5/13/2011 Review and revise Motion to Substitute Counsel, Second Amended Petition; preparation of Notice of Non-Suit (6 Plaintiffs); telephone call, e-mails to Defendant's attorney re: same; file same; telephone call to H.L. O'Neal re: [REDACTED]	BCD 2.00
5/24/2011 Telephone call from Steve Stewart re: [REDACTED].	BCD 0.20
5/27/2011 Review of Notice of Removal; review of case file; e-mail to clients re: [REDACTED]	BCD 0.50
5/27/2011 Review of Return of Citation; open pleading file; e-mail to clients re: [REDACTED]	BCD 0.30
6/8/2011 Review of City's Original Answer, Notice of Removal; e-mail to client re: [REDACTED]	BCD 0.80
6/13/2011 Review state, federal notices of removal; telephone call to City's attorney, conference with MQP re: discovery, trial preparation.	BCD 0.50
6/16/2011 Conference with MQP re: Rule 16 attorney conference, proposed scheduling order.	BCD 0.20

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 4

Transaction Date Description	User Time
6/28/2011 Review of proposed Scheduling Order deadline.	BCD 0.30
6/28/2011 Review of proposed Scheduling Order deadlines; e-mail to Defendant's attorney re: same.	BCD 0.40
7/5/2011 Schedinguling Conference with opposing counsel	BCD 1.60
7/14/2011 E-mail from client re: [REDACTED]	BCD 0.20
7/18/2011 Review of MQP's research on Section 541.3 issue.	BCD 0.50
7/19/2011 Conference with MQP re: trial preparation, disclosure responses; e-mail to B. Fitzpatrick re: meeting todiscuss claims.	BCD 0.30
7/21/2011 Review and revise Plaintiffs' Initial Disclosures.	BCD 0.30
7/26/2011 Conference with MQP re: court filings due; review and revise Plaintiffs' Initial Disclosures; review of ADR report.	BCD 0.20
7/26/2011 Conference with MQP re: court filings due; review and revise Initial Disclosures; review of ADR report.	BCD 0.20
8/9/2011 Review of Defendant's Initial Disclosures, MQP's notes of interviews with lead plaintiffs; review and revise plaintiff questionnaire.	BCD 1.20
8/10/2011 Review of Order re: Initial Pre-Trial Conference; notate same.	BCD 0.20
8/10/2011 Review of Order re: Initial Pre-Trial Conference; notate same.	BCD 0.20

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 5

Transaction Date Description	User Time
8/11/2011 Conference with MQP re: rescheduling Initial Pre-Trial Conference; telephone call to Defendant's attorney re: same.	BCD 0.10
8/11/2011 Conference with MQP re: re-scheduling Initial Pre-Trial Conference; telephone call to Defendant's attorney re: same.	BCD 0.10
8/22/2011 Review and revise Plaintiffs' First Interrogatories, Request for Production of Documents; email to MQP re: same.	BCD 0.20
8/22/2011 Review and revise Plaintiffs' First Interrogatories, Request for Production of Documents; email to MQP re: same.	BCD 0.20
8/23/2011 Attend Initial Pre-Trial Conference.	BCD 0.70
8/23/2011 Attend Initial Pre-Trial Conference.	BCD 0.70
10/6/2011 Review and revise Amended Complaint, Notice of Non-Suit of one plaintiff.	BCD 0.30
10/7/2011 Emails from, to Defendant's attorney re: substitution of counsel; review of Notice of Non-Suite of one plaintiff; review and revise Amended Complaint adding another plaintiff.	BCD 1.00
11/7/2011 Review of draft Response to Defendant's Motion for Summary Judgment; research on same.	BCD 1.20
11/8/2011 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment; telephone call to Defendant's attorney re: witness contacts.	BCD 4.00
11/9/2011 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment on Limitations.	BCD 4.00
11/10/2011 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment on Limitations.	BCD 3.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 6

Transaction Date Description	User Time
11/21/2011 Review of Defendant's Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment on limitations; email to MQP re: same.	BCD 0.30
11/23/2011 Emails from, to, telephone calls to City's attorney re: scheduling depositions; conference with MQP re: same.	BCD 0.40
12/1/2011 Review and revise Plaintiffs' Responses to Defendant's First Request for Admissions, Interrogatories, Request for Production of Documents.	BCD 0.60
12/1/2011 Review and revise Plaintiffs' Response to Defendant's First Request for Admission, Interrogatories, Request for Production of Documents.	BCD 0.60
12/2/2011 Emails from, to Defendant's attorney re: Entry of Agreed Protective Order for pt. names on run records.	BCD 0.20
12/6/2011 Review and revise Plaintiffs' Sur-Reply to Defendant's Motion for Summary Judgment on Statute of Limitations; review and revise letter to Defendant's attorney re: discovery issues.	BCD 0.80
12/9/2011 Preparation for, conference with Brian Fitzpatrick to prepare for his deposition.	BCD 0.40
12/9/2011 Preparation for, conference with Brian Fitzpatrick to prepare for his deposition.	BCD 0.40
12/13/2011 Conference with B. Fitzpatrick; defend BF's deposition.	BCD 2.75
12/13/2011 Conference with B. Fitzpatrick; defend BF's deposition.	BCD 2.75
12/16/2011 Conference with MQP re: deposition of James Hawley.	BCD 0.20
12/16/2011 Conference with MQP re: deposition of James Hawley.	BCD 0.20

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 7

Transaction Date Description	User Time
12/20/2011 Attend deposition of James Hawley.	BCD 1.50
12/20/2011 Attend deposition of James Hawley.	BCD 1.50
1/3/2012 Conference with MQP re: depositions of additional Plaintiffs, scheduling order deadlines.	BCD 0.30
1/5/2012 Conference with Plaintiff Kurt Brown re: his deposition.	BCD 0.20
1/6/2012 Attend deposition of Kurt Brown; conference with KB after deposition; conference with MQP re: issues raised in deposition.	BCD 1.50
1/9/2012 Research on issues presented; telephone call to Defendant's attorney re: depositions.	BCD 3.50
1/17/2012 Conference with MQP re: upcoming depositions, trial scheduling issues.	BCD 0.50
1/20/2012 Conference with MQP re: Defendant's discovery requests; review of draft discovery response; review of deposition testimony.	BCD 1.60
1/23/2012 Conference with MQP re: updated response to Defendant's Second Interrogatories; review and revise same.	BCD 0.50
1/24/2012 Conference with MQP re: upcoming depositions, trial preparation, discovery issues.	BCD 0.50
1/25/2012 Attend deposition of M. Wright; conferences with MB & MQP re: same; conference with Defendant's attorney re: trial preparation, bifurcating procedure; conference with MQP re: deposition testimony to date; review of Hawley deposition.	BCD 1.80

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 8

Transaction Date Description	User Time
1/26/2012 Conference with MQP re: information revealed in today's depositions, amending interrogatory answers, preparation for Shamard deposition.	BCD 0.50
1/30/2012 Preparation for deposition of J. Shamard; research related to same.	BCD 4.00
1/31/2012 Take deposition of James Shamard; conference with MQP re: additional discovery needed.	BCD 7.00
2/2/2012 Conference with MQP, Vicki Branning re: deposition, discovery issues, trial preparation.	BCD 0.50
2/3/2012 Review and revise letter to clients re: [REDACTED]	BCD 0.30
2/3/2012 Review and revise letter to clients re: [REDACTED]	BCD 0.30
2/6/2012 Conference with MQP re: meeting with Plaintiff representatives to discuss [REDACTED]	BCD 0.20
2/9/2012 Conference with MQP re: [REDACTED] with Plaintiff Reps.; review and revise discussion points memo re: same.	BCD 0.70
2/10/2012 Conference with Plaintiff Representatives re: [REDACTED]; review and revise draft Rule 408 proposal.	BCD 1.50
2/13/2012 Review and revise draft FRE 408 letter.	BCD 0.30
2/16/2012 Conference with MQP re: upcoming depositions; conference with client P. Didonato re: deposition preparation; review and revise FRE 408 letter, witness and exhibit lists.	BCD 1.20
2/22/2012 Review of Defendant's Expert Report; conference with MQP re: same.	BCD 1.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 9

Transaction Date Description	User Time
2/23/2012 Review and revise Plaintiff's Second Request for Production of Documents; conference with MQP re: Didonato deposition, legal issues.	BCD 0.60
2/29/2012 Conference with MQP re: additional discovery documents needed; review of letter to Defendant's attorney re: same.	BCD 0.50
3/2/2012 Research on, preparation of deposition of Ernie Rodriguez.	BCD 4.00
3/7/2012 Telephone call to Defendant's attorney re: scheduling; preparation of Amended Deposition Notice for Ernie Gonzalez.	BCD 0.40
3/20/2012 Research on standard of review in exemption cases; review of Defendant's expert report.	BCD 2.00
3/22/2012 Review of documents; research on expert issues; preparation for deposition of City's expert.	BCD 3.80
3/23/2012 Review of documents; research on, preparation for deposition of City's expert.	BCD 3.80
3/24/2012 Review of documents; research on, preparation for deposition of city's expert.	BCD 2.30
3/25/2012 Review of deposition testimony; research on, preparation for deposition of City's expert.	BCD 4.00
3/26/2012 Preparation for, take deposition of City's expert.	BCD 7.00
3/28/2012 Conference with Plaintiffs Fitzpatrick, Brown & Wright re: Commander duties; preparation for deposition of E. Rodriguez; research on issues presented.	BCD 5.00
3/29/2012 Research on admissibility of FLSA expert opinion.	BCD 1.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 10

Transaction Date Description	User Time
3/31/2012 Research on, preparation for deposition of Director Ernie Rodriguez.	BCD 2.20
4/2/2012 Preparation for depositions of E. Rodriguez, City Representative.	BCD 6.80
4/3/2012 Research on Motion to Strike Defendant's expert witness; telephone call from, to Defendant's attorney re: postponing deposition of E. Rodriguez, City representative.	BCD 1.00
4/4/2012 Research on Motion to Strike Defendant's Expert; review of KDS deposition.	BCD 1.00
4/5/2012 Telephone call from, to Defendant's attorney re: deadline for Motion to Strike Expert; research on, preparation of motion.	BCD 2.00
4/11/2012 Conference with MQP re: review of CAD data for comparative information.	BCD 0.40
4/13/2012 Conference with MQP re: statistical analysis of CADS data.	BCD 0.60
5/3/2012 Conference with MQP re: depositions of E. Rodriguez, J. Shamard	BCD 0.30
5/8/2012 Research on, preparation of Plaintiffs' Motion to Strike Defendant's FLSA expert.	BCD 1.50
5/10/2012 Research on, preparation of Motion to Strike Defendant's Expert.	BCD 4.00
5/11/2012 Preparation for E. Rodriguez deposition.	BCD 1.20
5/11/2012 Research on, preparation of Motion to Strike Defendant's Expert; preparation of exhibits; file same.	BCD 3.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 11

Transaction Date Description	User Time
5/14/2012 Attend deposition of Sylvia Flores; preparation for deposition of Shamard, Gonzalez.	BCD 4.50
5/15/2012 Take deposition of J. Shamard, E. Rodriguez.	BCD 7.50
5/18/2012 Telephone call to City's attorney re: contact from City's expert.	BCD 0.20
5/25/2012 Research on, preparation and filing of Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion to Strike Expert.	BCD 3.00
6/1/2012 Conference with MQP, AT re: preparing statistical data needed.	BCD 0.60
6/7/2012 Conference with MQP re: statistical analyses, additional work needed.	BCD 0.80
6/25/2012 Conference with MQP re: responding to Defendant's Motions for Summary Judgment; review and revise Plaintiffs' Motions to Extend Time to File same.	BCD 0.70
6/26/2012 Review of Defendant's Motions for Summary Judgment in both cases.	BCD 2.00
6/27/2012 Review of Defendant's Motion for Summary Judgment; Conference with MQP on response to same; preparation of Response.	BCD 2.20
6/28/2012 Research, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment; conference with B. Fitzpatrick	BCD 4.00
6/29/2012 Research and preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment.	BCD 5.00
7/2/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment.	BCD 5.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 12

Transaction Date Description	User Time
7/3/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment; review of orders denying Motion to Strike Expert.	BCD 6.20
7/4/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment.	BCD 3.50
7/5/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment.	BCD 2.00
7/6/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Summary Judgment; review of Court's ruling on Defendant's Statute of Limitations Motion for Summary Judgment in Benavides.	BCD 5.50
7/8/2012 Research on, preparation of Plaintiff's Response to Defendant's Motion for Summary Judgment.	BCD 4.50
7/9/2012 Review of Court's opinion on SOL MSJ; telephone call, email to John Curtis re: [REDACTED]	BCD 1.00
7/10/2012 Email to clients re: [REDACTED] telephone call to CLEAT re: [REDACTED].	BCD 1.00
7/17/2012 Conference with Plaintiffs, MQP re: [REDACTED]	BCD 1.20
7/18/2012 Review of Defendant's Reply to Plaintiffs' Response to Defendant's Motion for Summary Judgment.	BCD 0.50
7/20/2012 Research on, preparation of Plaintiffs' Motion for Summary Judgment Sur-Reply.	BCD 3.60
7/23/2012 Research on, preparation, review and revision of Plaintiffs' Sur-Reply to Defendant's Summary Judgment Reply Brief.	BCD 2.00
7/25/2012 Review of Defendant's Response to Motion to File Sur-Reply, Court's order granting Sur-Reply.	BCD 0.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 13

Transaction Date Description	User Time
7/26/2012 Review of Court's order referring cases to magistrate for recommendation; attempted telephone call to Defendant's attorney re: consolidation.	BCD 0.30
8/6/2012 Telephone call from Defendant's attorney re: filing Joint Motion to Consolidate cases, bifurcating liability and damages portions of trial; conference with MQP re: same.	BCD 0.40
8/8/2012 Review and revise Joint Motion to Consolidate Alvarez, Benavides cases.	BCD 0.80
9/7/2012 Conference with MQP, telephone call to City's attorney re: Joint Motion to Bifurcate Liability, damages issues.	BCD 0.50
9/11/2012 Review and revise draft of Joint Motion to Bifurcate Trial; email to MQP re: same.	BCD 0.80
9/16/2012 Review of City's proposed changes to draft Motion to Bifurcate; email to MQP re: same.	BCD 0.30
9/24/2012 Telephone call from J. Burpo re: [REDACTED]; emails to, from attorney re: jury instruction; email from Defendant's attorney re: burden of proof, order of evidence presentation.	BCD 0.70
9/28/2012 Conference with MQP re: trial preparation, pre-trial order; research on jury instructions.	BCD 1.20
9/30/2012 Research on, preparation of Proposed Jury Instructions.	BCD 2.00
10/1/2012 Research on, preparation of Jury Instructions.	BCD 3.00
10/2/2012 Preparation of Plaintiff's Jury Instructions & Questions; research on salary basis issue.	BCD 2.50
10/3/2012 Telephone conference with MQP, Defendant's attorneys re: PTO, joint stipulations, jury instructions; preparaton of Plaintiffs' Final Pretrial Order.	BCD 2.20

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 14

Transaction Date Description	User Time
10/4/2012 Preparation of Plaintiffs' Jury Charge, Motion in Limine, Pre-Trial Order; review and revise Plaintiffs' Objections to Magistrate's Report & Recommendation; telephone conference with Defendant's attorney re: Joint Stipulations, Jury Charges; conference with Plaintiffs re: [REDACTED].	BCD 8.00
10/5/2012 Preparation of Pre-Trial Order, Objections to Defendant's jury charge; review and revise Objections to Magistrate's Report & Recommendation.	BCD 5.00
10/8/2012 Conference with MQP re: calculation of Plaintiffs' overtime claims.	BCD 0.50
10/9/2012 Conference with MQP re: damages calculations.	BCD 0.40
10/10/2012 Review of City's proposed exhibits; conference with MQP re: responding to City's motion on trial presentation.	BCD 0.60
10/11/2012 Review and revise Plaintiffs' Response to Defendant's Motion to Open & Close Evidence.	BCD 0.40
10/14/2012 Telephone calls from MQP re: responding to Defendant's objections to Magistrate's Report.	BCD 0.50
10/16/2012 Review of Court's Order on Magistrate's Report & Recommendation; conference with MQP re: damages calculations.	BCD 0.50
10/17/2012 Preparation of Trial Notebook; emails from, to Defendant's attorney re: pre-trial conference matters.	BCD 2.50
10/18/2012 Preparation for Final Pre-Trial Conference.	BCD 1.00
10/19/2012 Preparation for, attend Final Pre-Trial Conference.	BCD 4.60

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 15

Transaction Date Description	User Time
10/22/2012 Review of additional Plaintiffs' exhibits, Defendant's revised jury charge; preparation for, attend conference with Defendant's attorneys re: jury charge, exhibit objections; preparation of revised Plaintiffs' jury charge.	BCD 4.00
10/22/2012 Review of additional Plaintiffs' exhibits, Defendant's revised jury charge; preparation for, attend conference with Defendant's attorneys re: jury charge, exhibit objections; preparation of revised Plaintiffs' jury charge.	BCD 4.00
10/23/2012 Review of Defendant's proposed exhibits; research on, review and revision of Plaintiffs' proposed jury charge; email to Defendant's attorney re: same.	BCD 3.50
10/24/2012 Preparation for, attend conference with Defendant's attorneys re: exhibit objections, jury charge; review and revise proposed jury charge; conference with MQP re: pre-trial preparation.	BCD 5.50
10/25/2012 Preparation of pre-trial filings - proposed jury charge, related brief; emails to, from Defendant's attorneys re: same.	BCD 2.00
10/26/2012 Emails to, from Defendant's attorneys re: pre-trial filings; pre-trial preparation.	BCD 2.00
10/27/2012 Pre-trial preparation.	BCD 4.00
10/28/2012 Pre-trial preparation.	BCD 2.00
10/29/2012 Pre-trial preparation.	BCD 6.20
10/30/2012 Trial preparation.	BCD 4.60
10/31/2012 Pre-trial preparation.	BCD 7.50
11/1/2012 Trial preparation.	BCD 8.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 16

Transaction Date Description	User Time
11/2/2012 Trial preparation.	BCD 8.50
11/3/2012 Trial preparation.	BCD 9.00
11/4/2012 Trial preparation.	BCD 7.00
11/5/2012 Trial and trial preparation.	BCD 12.00
11/6/2012 Trial and trial preparation.	BCD 11.50
11/7/2012 Trial and trial preparation.	BCD 12.00
11/8/2012 Trial and trial preparation.	BCD 13.50
11/9/2012 Trial and trial preparation.	BCD 6.00
11/11/2012 Trial preparation.	BCD 4.00
11/12/2012 Trial preparation.	BCD 10.00
11/13/2012 Trial.	BCD 3.50
11/14/2012 Attend hearings on questions from jurors.	BCD 1.30
11/15/2012 Attend hearing on Juror questions; attend jury verdict; debrief jurors.	BCD 3.60

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 17

Transaction Date Description	User Time
11/19/2012 Conference with MPO re: drafting Motion to Enter Judgment, JMOL, MNT; research issues presented by motions.	BCD 1.20
11/26/2012 Telephone call from Defendant's attorney re: schedule for filing post-verdict motions.	BCD 0.40
11/28/2012 Telephone conference with Defendant's attorney, law clerks re: briefing schedule for post-verdict motions; conference with MQP re: same.	BCD 0.50
12/6/2012 Research for post-verdict motions.	BCD 0.80
12/7/2012 Research on post-verdict motion.	BCD 0.70
12/8/2012 Research on, preparation of Plaintiffs' Post-Verdict Motion.	BCD 6.80
12/10/2012 Research on preparation of Plaintiffs' Post-Verdict Motions; file same.	BCD 2.70
12/12/2012 Review of Defendant's Motion/JMOL.	BCD 0.50
12/13/2012 Research on, preparation of Plaintiffs' Response to Defendant's M/JMOL, Motion to Enter Judgment.	BCD 1.50
12/14/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Entry of Judgment, M/JMOL.	BCD 2.50
12/15/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Entry of Judgment, M/JMOL.	BCD 3.00
12/16/2012 Research on, preparation of Plaintiffs' Response to Defendant's Motion for Entry of Judgment, M/JMOL.	BCD 3.20

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 18

Transaction Date Description	User Time
12/17/2012 Review and revise Plaintiffs' Response to Defendant's Motion for Entry of Judgment, M/JMOL.	BCD 1.50
12/20/2012 Review of Defendant's Response to Plaintiffs' Post-Verdict motion; telephone call to Defendant's attorney re: same; review of advisory to court re: same.	BCD 0.80
2/6/2013 Review new case re: first responder regulation; conference with MQP re: notifying court of same.	BCD 0.40
2/27/2013 Emails from, to client re: case status.	BCD 0.30
6/21/2013 Review of Court's Memorandum of Opinion re: jury verdict; telephone calls to J. Burpo, J. Curtis re: [REDACTED] conference with MQP, AT re: making damages calculations.	BCD 1.80
7/1/2013 Telephone call from Defendant's attorney re: status conference issues.	BCD 0.40
7/2/2013 Preparation for, attend status conference on damages issues.	BCD 1.50
7/19/2013 Conference with client representatives re: [REDACTED] conference with MQP, AT re: damages calculations.	BCD 1.50
7/23/2013 Conference with MQP re: damages calculation method.	BCD 0.50
7/24/2013 Conference with MQP re: damages calculations, status report.	BCD 0.30
8/5/2013 Conference with City's attorney, MQP re: status report to court on remaining issues after court's liability decisions.	BCD 0.60
8/6/2013 Review and revise draft Joint Status Report; telephone calls from, to Defendant's attorney re: same; emails to, from Defendant's attorney re: same.	BCD 1.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 19

Transaction Date Description	User Time
8/14/2013 Research on liquidated damages issue.	BCD 0.80
8/15/2013 Research on liquidated damages issue; conference with law clerk re: additional research needed.	BCD 0.80
8/28/2013 Attend hearing re: damages issues to be presented to the court at second stage of trial.	BCD 1.00
9/6/2013 Conference with Plaintiffs re: [REDACTED]	BCD 1.00
9/16/2013 Conference with MQP, attempted telephone call to City's attorney re: upcoming hearing.	BCD 0.30
9/20/2013 Research on, preparation of Damages Brief.	BCD 2.00
9/23/2013 Research on, preparation of Damages Brief.	BCD 3.60
9/24/2013 Research on, preparation of Damages Brief.	BCD 5.00
9/25/2013 Review and revise Damages Brief.	BCD 1.00
10/2/2013 Review of Defendant's damages brief & exhibits; conference with MQP re: response brief, hearing preparation.	BCD 1.30
10/4/2013 Review of draft stipulations on backpay calculations; conference with MQP re: same.	BCD 0.40
11/4/2013 Email from Court Clerk, conference with MQP re: hearing date for damages hearing.	BCD 0.30
11/6/2013 Conferences with MQP re: re-setting damages hearing, trial preparation.	BCD 0.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 20

Transaction Date Description	User Time
11/12/2013 Conference with Bryan Fitzpatrick re: [REDACTED] conference with MQP re: same; review of trial exhibits.	BCD 1.40
11/14/2013 Conference with Ed Johns re: [REDACTED]; email from Court re: hearing date; review of trial notebook.	BCD 1.20
11/19/2013 Emails from, to clients re: [REDACTED].	BCD 0.40
11/19/2013 Preparation for damages hearing.	BCD 4.30
11/20/2013 Preparation for damages trial.	BCD 5.50
11/21/2013 Attend hearing on Plaintiffs' damages.	BCD 5.40
1/3/2014 Review of Trial Court's Findings of Fact and Conclusions of Law on damages issues; conference with MQP re: same, next steps.	BCD 0.80
1/6/2014 Telephone call to City's attorney re: finalizing damages for judgment, related issues.	BCD 0.40
1/15/2014 Conference with Plaintiffs re: [REDACTED]	BCD 1.50
1/29/2014 Review and revise Joint Stipulation re: Backpay Amounts.	BCD 0.60
1/31/2014 Review and revise Advisory to Court re: damages.	BCD 0.40
Total: BCD	

474.60

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 21

Transaction Date Description	User Time
<u>Initials: LC</u>	
8/8/2011 Research statute of limitations and service	LC 2.50
8/8/2011 Research statute of limitations and service	LC 4.00
8/9/2011 Research statute of limitations and service	LC 2.00
8/9/2011 Research statute of limitations and service	LC 1.00
8/9/2011 Research statute of limitations and service	LC 2.00
8/10/2011 Research statute of limitations and service	LC 1.75
8/10/2011 Research statute of limitations and service	LC 1.00
8/10/2011 Research statute of limitations and service	LC 1.00
8/10/2011 Research statute of limitations and service	LC 1.00
8/11/2011 Research statute of limitations and service	LC 1.75
6/19/2012 Research on EMS workers as FLSA exempt/administratively exempt.	LC 4.40
6/20/2012 Research on EMS as FLSA exempt.	LC 0.90

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 22

Transaction Date Description	User Time
7/2/2012 Research on legal standard of willful violation FLSA, finding cases on willful violation; review and revise draft summing up cases.	LC 3.30
7/5/2012 Research on statute of limitations; dismissal preclusive; review and revise draft of statute of limitations dismissal - preclusive effect.	LC 3.00
7/12/2012 Research and Writing	LC 1.50
7/16/2012 Research and writing	LC 6.00
9/21/2012 Email to G. McGillivray re: jury instructions; conference with MQP re: pre-trial order; review of Magistrate Report on Defendant's Motion for Summary Judgment.	LC 1.40
10/18/2012 Research on rules for Federal Rules of Evidence 1006 application.	LC 2.90
11/8/2012 Research on when to file JMOL.	LC 4.10
8/15/2013 Research on liquidated damages/discretion of jury.	LC 1.00
8/16/2013 Research on liquidated damages/discretion.	LC 5.60
8/19/2013 Research on liquidated damages/discretion.	LC 5.00
8/20/2013 Research on liquidated damages/discretion.	LC 4.40
8/22/2013 Research on liquidated damages/discretion.	LC 5.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 23

Transaction Date Description	User Time
8/23/2013 Research on liquidated damages/discretion.	LC 6.10
<hr/>	
Total: LC	73.30
<hr/>	
Initials: MB 4/25/2011 conf w/ BCD, research [REDACTED], memo to BCD	MB 2.10
<hr/>	
4/26/2011 research and e-mail to BCD on [REDACTED], analogous federal precedent, and FLSA statute of limitations	MB 0.40
<hr/>	
5/11/2011 conf w/ BCD re: and research re: [REDACTED]	MB 0.30
<hr/>	
5/12/2011 research on and e-mail to BCD re: [REDACTED] [REDACTED]	MB 0.50
<hr/>	
5/12/2011 research on [REDACTED] looking for more recent 5th circuit caselaw than [REDACTED]	MB 0.30
<hr/>	
5/16/2011 research on effect of overlapping claims in 2 different lawsuits	MB 0.20
<hr/>	
5/18/2011 research on status of service on new Alvarez suit	MB 0.10
<hr/>	
5/23/2011 checking on service of new Alvarez case	MB 0.10
<hr/>	
5/9/2012 Legal research on exclusion of expert testimony on the bases of impermissible legal conclusions and unreliable methodology in FLSA cases	MB 3.90

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 24

Transaction Date Description	User Time
<hr/>	
Total: MB	
	7.90
<hr/>	
Initials: MO	
5/10/2011	MO
Conference with T. Stribling, e-mail to Defendant's attorney re: Motion to Substitute Counsel, Second Amended Petition; telephone call from B. Fitzpatrick re: [REDACTED].	0.60
<hr/>	
11/5/2012	MO
Attending/assisting with jury selection	3.00
<hr/>	
Total: MO	
	3.60
<hr/>	
Initials: MQ	
6/13/2011	MQ
Research Judge Yeakel's standing rules re: scheduling	0.21
<hr/>	
6/14/2011	MQ
Review/analyze Judge Yeakel's and local rules and procedures and FRCP 26 deadlines; draft schedule of upcoming deadlines	1.20
<hr/>	
6/14/2011	MQ
Email discussions with clients regarding [REDACTED]	0.50
<hr/>	
6/14/2011	MQ
Discussions with BCD regarding contact information for clients and regarding contacting clients for information about [REDACTED]	0.33
<hr/>	
6/14/2011	MQ
Review/analyze case file to determine plaintiffs who left employ of defendant >3 years ago	1.41
<hr/>	
6/15/2011	MQ
Email communication with clients regarding [REDACTED]	0.14
<hr/>	
6/15/2011	MQ
Research scheduling order requirements/deadlines	0.24
<hr/>	

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 25

Transaction Date Description	User Time
6/16/2011 Discussions with BCD regarding upcoming scheduling deadlines	MQ 1.11
6/16/2011 Follow-up emails to plaintiffs regarding [REDACTED]	MQ 0.06
6/17/2011 Prepare for telephone call to opposing counsel regarding 26(f) and other deadline scheduling; telephone message to opposing counsel	MQ 0.22
6/22/2011 Research 26(f) conference and disclosure requirements	MQ 0.60
6/22/2011 Telephone conference with opposing counsel regarding upcoming deadlines; draft email to opposing counsel regarding proposed deadlines	MQ 1.07
6/22/2011 Email to BCD regarding discussions with opposing counsel; email and telephone call to AT requesting copy of proposed deadlines be resent to opposing counsel	MQ 0.43
6/22/2011 Telephone call with Judge Yeakel's courtroom deputy	MQ 0.03
7/5/2011 26(f) conference with opposing counsel	MQ 0.60
7/5/2011 Discussions with BCD regarding case scheduling and next steps	MQ 0.20
7/5/2011 Review email correspondence and proposed 26(f) dates in preparation for 26(f) conference; review 29 CFR 541.3 and case law on applicability of regulation to EMS workers employed by fire department	MQ 1.40
7/6/2011 Research and review case law on applicability of regulation to emergency response supervisors	MQ 1.10
7/6/2011 Email and in-person discussions with BCD regarding scheduling orders and legal research	MQ 0.10

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 26

Transaction Date Description	User Time
7/6/2011 Revise proposed scheduling order for Alvarez and Benavides cases	MQ 0.40
7/7/2011 Research construction of "first responders" FLSA regulation	MQ 3.00
7/8/2011 Finalize draft proposed scheduling order and email to opposing counsel	MQ 0.40
7/13/2011 Telephone calls to/from new prospective plaintiff in Alvarez Case (Landon Willhoite); type up summary of discussion for case file; discussions with BCD regarding new potential plaintiff, status of disclosures and scheduling, and status of research and fact investigation regarding applicability of 29 CFR 541.3	MQ 0.40
7/14/2011 Email correspondence with BCD and M. Karonika regarding [REDACTED]; telephone discussions with L. Willhoite regarding [REDACTED]	MQ 0.10
7/15/2011 Draft summary of case law interpreting 29 CFR 541.3(b) for BCD	MQ 1.68
7/16/2011 Continue drafting research summary memo regarding applicability of 29 C.F.R. 541.3(b)	MQ 1.00
7/18/2011 Continue drafting research summary memo regarding 29 C.F.R. 541.3(b); email and print draft for BCD; discussions with BCD regarding research and discovery issues; review upcoming case deadlines	MQ 4.07
7/19/2011 Review consents to sue received so far; preparation of initial disclosures; discussions with BCD regarding case law research, initial disclosures, and meeting with plaintiffs; discussions with B. Fitzpatrick and BCD regarding [REDACTED]	MQ 2.44
7/21/2011 Review and update draft initial disclosures; review list of plaintiffs who have returned current and updated consents to sue and employment details; discussions with BCD regarding initial disclosures and [REDACTED] information from plaintiffs; update initial disclosures	MQ 1.00
7/22/2011 Discussions with AT regarding follow-up telephone calls to plaintiffs regarding [REDACTED] email to B. Fitzpatrick in preparation for meeting, [REDACTED]	MQ 0.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 27

Transaction Date
Description

User
Time

and [REDACTED]

7/25/2011

Follow-up discussions with AT regarding plaintiffs' [REDACTED]
[REDACTED]; complete appearance of counsel form; discussions with BCD regarding appearance,
proposed sched. order, meeting with plaintiffs; meeting with K. Brown and B. Fitzpatrick regarding [REDACTED]
[REDACTED] discussions with opposing counsel regarding ADR report and
proposed scheduling order

MQ
5.06

7/26/2011

Finalize initial disclosures, appearance form, and scheduling orders; discussions with opposing counsel
regarding service and filing of initial disclosures and scheduling orders; discussions with BCD regarding initial
disclosures and proposed scheduling orders; filing and service of documents; discussions with AT and B.
Fitzpatrick regarding [REDACTED]

MQ
3.30

7/27/2011

Telephone call to prospective new plaintiff (L. Willhoite); review defendant's rule 26 initial disclosures;
discussions with AT regarding updated consent to sue forms, employment dates, and rank information

MQ
0.40

7/28/2011

Telephone calls to and from L. Willhoite regarding [REDACTED] discussions with BCD regarding addition
of new plaintiff to litigation;

MQ
0.40

7/28/2011

Review research and memoranda by M. Bachop regarding [REDACTED] and related
issues

MQ
0.20

7/29/2011

Telephone call to J. Curtis (CLEAT) regarding [REDACTED] email correspondence
with L. Willhoite [REDACTED] discussions with
BCD regarding discussions with L. Willhoite and J. Curtis; discussions with A. Tauchman regarding status of
consent to sue, current plaintiff contact information and employment dates

MQ
0.40

8/3/2011

Draft questionnaire for plaintiffs regarding [REDACTED]

MQ
1.00

8/3/2011

Review M. Bachop memo and email regarding [REDACTED]; Westlaw
research on [REDACTED] review research; draft notes
for law clerk assignment

MQ
1.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 28

Transaction Date Description	User Time
8/4/2011 Review draft questionnaire for plaintiffs regarding [REDACTED]	MQ 0.30
8/5/2011 Discussions with LC re: research assignment on [REDACTED] [REDACTED]	MQ 0.59
8/8/2011 Revise questionnaire for plaintiffs regarding [REDACTED] draft summary of discussion with plaintiffs (Fitzpatrick and Brown) regarding [REDACTED] finalize proposed scheduling order and certificate of service; email and telephone discussions with plaintiff B. Fitzpatrick regarding [REDACTED] [REDACTED]	MQ 2.60
8/9/2011 Discussions with law clerk regarding research on [REDACTED] [REDACTED]	MQ 0.50
8/9/2011 Discussions with AT regarding contact information, consents to sue, and employment ranks/dates for plaintiffs; discussions with BCD regarding discovery; review and revise summary of meeting with plaintiffs regarding [REDACTED] and draft questionnaire; email discussions with BCD regarding review of summary and draft questionnaire	MQ 0.70
8/10/2011 Discussions with AT regarding plaintiffs' contact information, consents to sue, employment dates and rank information; review BCD's revisions on plaintiff duty questionnaires; email to plaintiff B. Fitzpatrick regarding [REDACTED]	MQ 1.50
8/11/2011 Discussions with law clerk regarding case law research [REDACTED] [REDACTED] discussions with BCD, R. Sanders, and Court regarding initial pre-trial hearing scheduling	MQ 1.10
8/12/2011 Begin drafting discovery requests to be served on defendant; review defendant's initial disclosures and documents in file; discussions with BCD and AT regarding list of plaintiffs, consents to sue, rank and employment information	MQ 3.00
8/15/2011 Review file documents and client interview notes; continue drafting discovery requests and interrogatory responses	MQ 2.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 29

Transaction Date Description	User Time
8/16/2011 Continue drafting interrogatories to defendant; discussions with AT regarding consents to sue to be signed, contact information, and rank/date of employment information; telephone call to B. Fitzpatrick regarding plaintiffs' [REDACTED] email to Kurt Brown regarding [REDACTED]	MQ 2.60
8/17/2011 Email discussions with K. Brown and AT regarding [REDACTED] [REDACTED]; review BCD's edits to discovery requests	MQ 0.20
8/18/2011 Revise discovery requests to adopt BCD's changes	MQ 0.30
8/19/2011 Revise discovery requests; create separate discovery requests and irrogs for Alvarez case; draft proposed protective order; contact plaintiffs (C. Ricketson and G. Anderson) regarding [REDACTED] discussions with BCD regarding G. Anderson [REDACTED] email to BCD regarding discovery requests, protective order and duty questionnaire	MQ 2.23
8/22/2011 Email and telephone calls to C. Ricketson regarding [REDACTED] revise discovery requests to adopt BCD's changes; discussions with BCD and RL regarding upcoming initial pre-trial scheduling conference; research FRCP regarding electronic service of discovery requests; telephone call to R. Sanders regarding electronic service of discovery requests; email discovery requests to City of Austin	MQ 1.80
8/23/2011 Revise and finalize [REDACTED] questionnaires; discussions with AT and BCD regarding emailing of questionnaires to plaintiffs; attend initial pre-trial scheduling conference before Judge Yeakel; discussions with opposing counsel regarding discovery requests	MQ 4.00
8/24/2011 Email discussions with client (C. Ricketson) regarding [REDACTED] [REDACTED] discussions with AT regarding calendaring of discovery and trial dates and deadlines	MQ 0.20
8/25/2011 Review responses to [REDACTED] questionnaire received from plaintiff (J. Martin)	MQ 0.10
8/26/2011 Review case calendar entries made by AT; discussions with AT and BCD regarding addition and dismissal of plaintiffs	MQ 0.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 30

Transaction Date
Description

User
Time

8/29/2011 [REDACTED] review document sent by client (K. Brown); telephone call from client (P. DiDonato) regarding [REDACTED] discussions with BCD regarding document gathering and response to clients	MQ 1.00
8/30/2011 Email to client (K. Brown) and BCD in response to [REDACTED]	MQ 0.20
8/31/2011 Telephone call to client (H. Phillips) regarding [REDACTED]; update consent to sue and document chart; discussions with AT regarding contact with clients regarding [REDACTED]	MQ 0.30
9/1/2011 Discussions with AT regarding [REDACTED] questionnaires and documents collected from clients	MQ 0.10
9/6/2011 Discussions with AT regarding [REDACTED] and follow-up with clients [REDACTED] and [REDACTED]	MQ 0.10
9/8/2011 Telephone call to H. Phillips to follow-up on [REDACTED]; discussions with AT regarding follow-up telephone calls to clients regarding [REDACTED]	MQ 0.10
9/12/2011 Telephone call to client (H. Phillips) regarding [REDACTED] email to B. Fitzpatrick regarding [REDACTED] review and respond to email responses from plaintiffs regarding [REDACTED]	MQ 0.40
9/19/2011 Discussions with BCD regarding [REDACTED] telephone call to client H. Phillips [REDACTED]	MQ 0.10
9/22/2011 Review notes on addition and dismissal of parties; discussions with MB regarding sample documents on addition of parties; research procedural devices for addition of parties; telephone call to opposing counsel regarding addition/dismissal of parties and consent to magistrate	MQ 0.60

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 31

Transaction Date Description	User Time
9/26/2011 Discussions with opposing counsel (R. Sanders) regarding removal and addition of plaintiffs to lawsuit based on employment dates; discussions regarding consent for magistrate to handle litigation	MQ 0.27
9/28/2011 Review deadline of defendant's responses to first set of RFPs and ltrgrs; research dismissal and addition of plaintiffs; draft stipulated dismissal of C. Ricketson; draft first amended complaint to add plaintiff L. Wilhoite; discussions with BCD regarding addition and dismissal of plaintiffs	MQ 1.70
9/30/2011 Review discovery responses provided by defendant and emails/documents provided by plaintiffs	MQ 0.80
10/5/2011 Discussions with BCD regarding discovery issues, documentary evidence to be obtained, and pleading drafts for addition and dismissal of individual plaintiffs	MQ 0.40
10/7/2011 Review court filings regarding substitution of defendant's counsel	MQ 0.10
10/11/2011 Telephone discussions with opposing counsel regarding consent to withdraw and add individual plaintiffs; revise draft motion and email proposed motion to opposing counsel	MQ 0.40
10/12/2011 Finalize Motion to Dismiss Plaintiff Corey Ricketson; telephone call to Judge Yeakel's file clerk to verify proper pleading for dismissal of plaintiff without prejudice; file and serve motion on opposing counsel	MQ 0.50
10/13/2011 Discussions with AT regarding follow-up with individual plaintiffs regarding [REDACTED] discuss index of documents produced by defendant with AT; review email discussions with opposing counsel and court orders on withdrawal and addition of individual plaintiffs	MQ 0.10
10/24/2011 Review and revise final draft of first amended complaint adding new plaintiff; discussions with BCD regarding filing of amended complaint; email to opposing counsel regarding upcoming filing of amended complaint	MQ 0.20
10/25/2011 Filing of first amended complaint adding plaintiff Landon Willhoite; discussions with AT regarding annotated chart of defendant's document production; analyze defendant's discovery responses and documents produced; begin drafting conference letter to opposing counsel regarding discovery responses; telephone discussions with B. Fitzpatrick regarding [REDACTED]	MQ 1.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 32

Transaction Date Description	User Time
10/26/2011 Telephone discussions with court staff regarding traditional and e-filing requirements; re-file amended complaint electronically; continue drafting conference letter to opposing counsel regarding discovery deficiencies; review documents produced by defendants; email discussions with plaintiffs K. Brown and B. Fitzpatrick to discuss [REDACTED]	MQ 1.70
10/27/2011 Continue drafting conference letter to opposing counsel regarding discovery disputes; case law research on acceptable discovery objections; review documents produced by defendant	MQ 2.00
10/27/2011 Print and review defendant's motion for summary judgment; review local court rules regarding page limits and deadline for filing response to MSJ	MQ 0.20
10/31/2011 Review MSJ	MQ 0.10
11/1/2011 Discussions with BCD regarding MSJ response; Review previous case law research on tolling of federal statute of limitations; review case law cited in defendant's MSJ; perform additional case law research on statute of limitations tolling; draft email message to plaintiffs regarding [REDACTED] review discovery requests served by Def.; review case documents regarding former counsel's attempts to serve Defendant with process	MQ 2.50
11/2/2011 Review discovery requests from City of Austin and discuss drafting of questionnaire for plaintiffs with AT	MQ 0.30
11/2/2011 Telephone call to former counsel regarding background facts; continue researching and reviewing case law on statute of limitations and tolling of FLSA claim under state and federal law; review law clerk's legal research on federal claims and statute of limitations tolling	MQ 2.50
11/3/2011 Communications with plaintiffs regarding [REDACTED] interview plaintiffs (K. Brown and B. Fitzpatrick) regarding [REDACTED]; draft affidavit for K. Brown regarding [REDACTED]; draft response to City's MSJ; continue case law research on MSJ legal standards, FLSA statute of limitations, equitable tolling of statute, and attorney error	MQ 5.80
11/3/2011 Review and revise City's discovery requests and AT's draft questionnaire for plaintiffs regarding discovery requests; email to AT regarding questionnaire edits	MQ 0.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 33

Transaction Date Description	User Time
11/4/2011 Draft affidavit for T. Stribling; telephone call to T. Stribling to discuss affidavit and additional factual information; continue drafting and revising MSJ response; telephone call to K. Brown regarding [REDACTED]; email K. Brown [REDACTED] discussions with BCD regarding witness affidavits and MSJ draft	MQ 2.20
11/5/2011 Continue revisions to MSJ response; case law research; email communications with K. Brown and B. Fitzpatrick regarding [REDACTED]	MQ 1.00
11/6/2011 Continue reviewing and researching case law for MSJ response	MQ 0.50
11/7/2011 Continue drafting and revising Plaintiffs MSJ response; additional case law research on FLSA claims removed from state court; draft affidavit for B. Fitzpatrick; discussions with BCD regarding the above	MQ 2.50
11/7/2011 Review and revise final version of discovery questionnaires and cover email for sending to plaintiffs	MQ 0.40
11/8/2011 Review discovery questionnaire responses; discussions with BCD and AT regarding tax documents requested from plaintiffs; respond to client emails (V. Branning) regarding [REDACTED]; telephone call from client (P. DiDonato) regarding [REDACTED]	MQ 0.80
11/8/2011 Discussions with BCD regarding edits to motion response; continue drafting and revisions of MSJ response; additional case law research on equitable tolling under state law and federal case law on extension of service deadline; email to former counsel regarding signature of affidavit	MQ 5.10
11/9/2011 Continue drafting MSJ response; additional case law research on 5th Circuit case law on extension of service period under FRCP 4(m); review of client's documents regarding [REDACTED]; review and revise client affidavit (B. Fitzpatrick); discussions with BCD regarding MSJ response and affidavit drafts	MQ 4.90
11/10/2011 Finalize revisions to MSJ response, appendix of summary judgment evidence, client affidavits, and exhibits; KeyCite cases cited to verify continuing validity; prepare documents for filing and e-file documents	MQ 3.20
11/15/2011 Discussion with Pete DiDonato regarding [REDACTED]	MQ 0.30

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 34

Transaction Date Description	User Time
11/16/2011 Discussions with BCD regarding case status, potential addition of plaintiff to suit; review Defendant's discovery responses and plaintiffs' documents submitted for discovery.	MQ 0.90
11/17/2011 Telephone discussions with J. Curtis and Ed Johns regarding [REDACTED] email to Johns regarding [REDACTED] draft second amended complaint and prepare for filing; discussions with opposing counsel regarding filing of 2nd Amd. Complaint, Def's Amd. Answers, and scheduling of depositions; discussions with V. Branning regarding [REDACTED] review plaintiffs' documents submitted for discovery; begin drafting Plaintiffs' responses to Defs' discovery requests	MQ 2.50
11/18/2011 Finalize second amended complaint and consent to sue (E. Johns); in person filing of second amended complaint pursuant to local rules; service of amended complaint; discussions with BCD regarding discovery responses and production of documents; discussions with AT regarding tallying of plaintiffs' discovery responses	MQ 1.50
11/21/2011 Review documents provided by plaintiffs for production and sort into responsive and nonresponsive	MQ 0.50
11/21/2011 Continue review of documents from plaintiffs for discovery production	MQ 0.30
11/22/2011 Review Def's Reply in support of MSJ; research case law on [REDACTED]; research case law on [REDACTED]	MQ 1.00
11/23/2011 Discussions with BCD regarding deposition scheduling and MSJ surreply ideas	MQ 0.10
11/24/2011 Drafting of discovery responses and objections	MQ 1.00
11/25/2011 Drafting of discovery responses and objections	MQ 1.00
11/27/2011 Drafting of discovery responses and objections; research and review case law on permissible discovery requests and objections	MQ 2.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 35

Transaction Date Description	User Time
11/28/2011 Continue revising draft discovery responses; discussions with several plaintiffs regarding [REDACTED] [REDACTED] email to plaintiffs regarding [REDACTED] discussions with BCD and opposing counsel regarding deposition scheduling	MQ 2.00
11/28/2011 Drafting of discovery responses and objections	MQ 1.00
11/30/2011 Email and telephone discussions with AT and clients regarding [REDACTED] [REDACTED] continue drafting discovery responses and objections; email discussions with clients (B. Fitzpatrick) regarding [REDACTED] telephone conference with opposing counsel regarding deposition scheduling	MQ 2.00
12/1/2011 Finalize discovery responses and document production; discussions with BCD, AT, and various plaintiffs regarding same; serve electronic versions of discovery responses on opposing counsel	MQ 4.00
12/2/2011 Case law research and drafting for surreply to Defendant's Motion for Summary Judgment	MQ 1.70
12/2/2011 Emails to AT and clients regarding [REDACTED]	MQ 0.10
12/3/2011 Continue reviewing case law research and drafting of MSJ surreply	MQ 2.00
12/5/2011 Send draft surreply and supporting documents to BCD for review; review Plaintiffs' documents produced; draft and send letter to opposing counsel regarding redacted documents; discussions with BCD regarding above matters	MQ 1.20
12/6/2011 Revise conference letter to opposing counsel regarding discovery issues; discussions with BCD regarding same	MQ 1.00
12/6/2011 Discussions with BCD regarding surreply draft; revise and finalize motion, surreply, affidavit and exhibits; file surreply and accompanying documents	MQ 0.90

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 36

Transaction Date Description	User Time
12/7/2011 Prepare and review documents produced in preparation for Bryan Fitzpatrick deposition	MQ 0.60
12/8/2011 Print, review and organize document for Bryan Fitzpatrick deposition preparation; discussions with BCD, AT, and opposing counsel regarding James Hawley deposition notice; review case law research and memorandum on FLSA executive and highly compensated employee exemption	MQ 4.50
12/9/2011 Continue reviewing case law and documents for Fitzpatrick deposition preparation; meeting with BCD and B. Fitzpatrick to discuss documents	MQ 4.60
12/12/2011 Review case docket entries on summary judgment motion practice; telephone call to court clerk regarding entry of docket documents for summary judgment motion practice	MQ 0.20
12/12/2011 Prepare timeline and cast of characters; review documents in preparation for B. Fitzpatrick deposition	MQ 1.20
12/13/2011 B. Fitzpatrick Deposition preparation and defense	MQ 6.40
12/14/2011 Discussions with AT regarding collection of documents and discovery responses from plaintiffs; telephone call from plaintiff (P. DiDonato) regarding [REDACTED]; continue review of documents and drafting of Hawley deposition outline	MQ 1.79
12/15/2011 Continue reviewing documents and drafting deposition outline in preparation for deposition of Chief Hawley	MQ 3.00
12/16/2011 Review pay records and other documents in preparation for dep.; continue drafting deposition outline; meeting with BCD to discuss deposition preparation and documents	MQ 2.70
12/19/2011 Prepare documents and outline for deposition of Chief Hawley; discussions with plaintiffs regarding examples of personnel decisions made by plaintiffs; review new supplemental documents produced by defendant	MQ 3.50
12/20/2011 Deposition of Division Chief James Hawley	MQ 6.80

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 37

Transaction Date Description	User Time
12/22/2011 Case law research on salary basis test and exemptions applicable to emergency rescue workers	MQ 0.60
12/29/2011 Review DOL regulations on salary basis; review documents produced by city regarding personal, vacation, and sickness leave policies;	MQ 0.67
12/30/2011 Telephone discussions with plaintiffs regarding [REDACTED]; emails to BCD and opposing counsel regarding plaintiff depositions and extension of expert designation deadlines	MQ 0.60
1/3/2012 Discussions with plaintiff (P. DiDonato) regarding [REDACTED] discussions with BCD regarding depositions, scheduling order deadlines, job descriptions to be litigated; telephone discussions with opposing counsel regarding deposition scheduling, scheduling order deadlines, bifurcation of trial, referral to magistrate; emails to plaintiffs regarding deposition schedules	MQ 0.60
1/4/2012 Review and prepare documents for meeting with Plaintiff K. Brown for deposition prep	MQ 2.60
1/5/2012 Prep for meeting with K. Brown regarding deposition; meeting; additional preparation of documents	MQ 3.60
1/6/2012 Defend Kurt Brown deposition; discussions with BCD regarding deposition and upcoming case strategy; gather research documents, memo, and deposition transcripts for BCD's review	MQ 5.60
1/9/2012 Research and review DOL regulations regarding first responders; research and review published salary information for ATCEMS employees; discussions with BCD, MPO, and B. Fitzpatrick regarding [REDACTED] discussions with opposing counsel regarding deposition scheduling	MQ 1.20
1/11/2012 Draft questionnaire/outline for discussion with non-field plaintiffs; Review and summarize pay and hourly records for non-field District Commander plaintiffs; discussions with BCD regarding deposition dates and duties of non-field commanders; discussions with AT regarding deposition summaries and collection of documents from clients	MQ 3.60
1/12/2012 Review duty and discovery questionnaires from non-field commanders to determine their daily duties; review deposition testimony about non-field commander duties; review case law and DOL documents regarding exempt versus non-exempt duties; email discussions with opposing counsel regarding deposition and other scheduling	MQ 2.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 38

Transaction Date Description	User Time
issues	
1/13/2012 Email discussions with AT and opposing counsel regarding scheduling of depositions; telephone interview with plaintiff (S. Lindsley) regarding [REDACTED] telephone discussions with plaintiffs regarding [REDACTED] review plaintiffs' questionnaires and prepare questions for non-field plaintiffs regarding [REDACTED] review case law on first responder exemption regulation	MQ 2.10
1/17/2012 Telephone interview of plaintiff (H. Phillips) regarding [REDACTED]; chart deposition availability dates; discussions with BCD regarding upcoming deadlines, depositions, and additional discovery	MQ 2.30
1/18/2012 Contact plaintiffs regarding [REDACTED]; review and finalize James Shamard deposition notice	MQ 0.70
1/19/2012 Draft interrogatory responses for all 30 plaintiffs; review all HR files for dates of employment and positions held; discussions with AT regarding HR file review; communications with plaintiffs regarding [REDACTED]	MQ 3.30
1/20/2012 Finalize drafting of discovery responses regarding divisions and time periods for which plaintiffs seek non-exempt status and back pay; email and telephone discussions with individual plaintiffs regarding [REDACTED] discussions with clients regarding [REDACTED]	MQ 3.00
1/21/2012 Edits to discovery responses based on plaintiffs' review; email discussions with individual clients regarding [REDACTED]	MQ 0.20
1/22/2012 Further edits to draft discovery responses based on plaintiffs' review; email discussions with plaintiffs regarding [REDACTED]	MQ 0.20
1/23/2012 Finalize interrogatory responses; discussions with BCD regarding discovery responses; discussions with plaintiffs regarding discovery responses, deposition prep.; prepare for meetings with plaintiffs Wright and Montgomery for depo preparation; Draft correspondence and requests for opposing counsel regarding documents not yet produced; draft chart for plaintiffs [REDACTED] review documents in preparation for meeting with plaintiffs for deposition prep.	MQ 2.80

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 39

Transaction Date Description	User Time
1/24/2012 Deposition preparation meeting with Michael Wright and Mark Montgomery; discussions with BCD regarding upcoming depositions and documents to be requested; begin drafting deposition outline for James Shamard deposition; contact plaintiffs regarding deposition and preparation scheduling and regarding interrogatory responses; email and in-person discussions with opposing counsel regarding deposition scheduling and additional discovery responses	MQ 3.50
1/25/2012 Prepare for M. Wright deposition; defend M. Wright deposition; discussions with BCD and opposing counsel regarding case management, discovery issues, and deadlines; debriefing meeting with M. Wright; deposition preparation meeting with E. Jakubauskas and M. Broadwater; discussions with BCD regarding depositions and upcoming case strategy	MQ 5.80
1/26/2012 Depo prep.: Jakubauskas and Montgomery; Defend Jakubauskas and Montgomery depositions; debrief and status/strategy meetings with clients and BCD; meetings and discussions with AT and clients regarding deposition transcript corrections and verification of interrogatory responses; coordinate dep prep with H. Phillips	MQ 6.20
1/27/2012 Deposition preparation meeting with H. Phillips; continue drafting and revising outline for J. Shamard deposition; continue reviewing documents for Shamard depo.; supplemental/substitution production of documents to opposing counsel	MQ 5.00
1/30/2012 Meeting with S. Lindsley to prep for deposition; discussions with BCD regarding J. Shamard deposition preparation; review deposition instructions with plaintiff Michael Broadwater; defend Michael Broadwater deposition; discussions with BCD regarding preparation for Chief Shamard deposition	MQ 5.22
1/31/2012 Preparation for J. Shamard deposition; attend and assist with J. Shamard deposition; discussions with BCD regarding case strategy, additional evidence to be gathered; discussions with plaintiffs (S. Lindsley and H. Phillips) regarding upcoming depositions.	MQ 7.00
2/1/2012 Prepare for meeting with S. Lindsley; defend S. Lindsley deposition; discussions with H. Phillips, BCD, B. Fitzpatrick, and opposing counsel regarding dismissal of plaintiff H. Phillips from suit; draft and file documents for dismissal of plaintiff H. Phillips; meeting with V. Branning to prepare for deposition	MQ 6.80
2/2/2012 Prepare for and defend V. Branning deposition; meeting with V. Branning and BCD regarding deposition, [REDACTED] and additional case information	MQ 4.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 40

Transaction Date Description	User Time
2/3/2012 Draft, revise, print and send letter and emails to all plaintiffs regarding [REDACTED] email and telephone discussions with individual plaintiffs regarding [REDACTED] begin drafting worksheet of damages calculations	MQ 2.00
2/6/2012 Discussions with AT regarding calculations of plaintiffs' damages; email and telephone discussions with plaintiffs regarding [REDACTED]; email discussions with AT regarding deposition transcript review by plaintiffs; discussions with BCD regarding [REDACTED] [REDACTED]	MQ 0.60
2/8/2012 Email and in-person discussions with AT regarding deposition transcript review; email discussions with plaintiffs regarding [REDACTED]	MQ 0.20
2/9/2012 Review of damages estimate worksheet; discussions with BCD regarding [REDACTED] [REDACTED] meeting with plaintiff S. Lindsley regarding deposition transcript corrections; draft [REDACTED]	MQ 1.60
2/10/2012 Meeting with plaintiff [REDACTED] draft proposed settlement offer for BCD and plaintiffs' review; emails to/from opposing counsel and BCD regarding additional upcoming depositions	MQ 2.40
2/13/2012 Revisions to proposed settlement letter; email to plaintiff [REDACTED]	MQ 0.70
2/14/2012 Discussions with BCD regarding upcoming deposition and disclosure deadlines; drafting of disclosure of probable witnesses, exhibits and expert witnesses; email and telephone discussions with client (P. DiDonato) regarding deposition preparation scheduling	MQ 0.40
2/15/2012 Continue drafting/revising designation of exhibits, witnesses and experts; draft letter of opposing counsel regarding discovery issues	MQ 1.00
2/16/2012 Meeting with BCD and client (P. DiDonato) in preparation for deposition; continue revising settlement offer letter, witness/exhibit designations, discovery/bifurcation letter, and RFProd; meeting with BCD to discuss upcoming deadlines and documents to be sent to opposing counsel	MQ 4.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 41

Transaction Date Description	User Time
2/17/2012 Finalize settlement offer and designation of exhibits and witnesses; file and serve documents with court and on opposing counsel	MQ 0.50
2/23/2012 Defend DiDonato deposition; discussions with BCD and opposing counsel regarding scheduling of additional depositions; finalize and serve discovery requests; telephone call with plaintiffs (Fitzpatrick & Brown) regarding discovery requests and next case steps	MQ 6.30
2/23/2012 Review expert report and associated documents; review supplemental documents produced by Defendant; draft additional discovery requests; discussions with BCD regarding expert report and next case steps; review documents created as part of "desk audit" and expert's interviews/conclusions on FLSA exempt status	MQ 3.10
2/27/2012 Review documents relating to dispatch responses and electronic patient records; telephone call with opposing counsel regarding same and regarding scheduling of deposition of expert witness; email to opposing counsel regarding expert witness deposition dates; revise list of topics for city representative deposition	MQ 0.50
2/28/2012 Discussions with BCD regarding selection of patient care records to be sought in discovery; draft letter to opposing counsel regarding same; discussion with client (B. Fitzpatrick) regarding same	MQ 0.50
2/29/2012 Review City Council work session video for statements regarding commanders' role at emergency calls; discussions with BCD and opposing counsel regarding production of patient care records and limitation of documents to be produced at this time; draft agreement letter regarding same and email to opposing counsel; review amended disclosures and designations filed by opposing counsel	MQ 1.40
3/2/2012 Review and prepare documents for deposition of Chief E. Rodriguez; discussions with AT and IT contractor regarding video of City Council meeting; review City's response to offer of settlement and discuss with BCD; discuss case law research with BCD	MQ 4.10
3/4/2012 Review deposition transcripts and other discovery documents in preparation for deposition of Chief E. Rodriguez	MQ 2.00
3/5/2012 Discussions with BCD regarding rescheduling of depositions and additional research; telephone discussions with opposing counsel regarding scheduling of depositions and extension of discovery deadline	MQ 0.80

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 42

Transaction Date Description	User Time
3/6/2012 Discussions with BCD regarding discovery and dispositive motion deadlines; email communications with opposing counsel regarding discovery issues; draft letters to opposing counsel for BCD's review regarding dispositive motion and discovery deadlines	MQ 1.10
3/21/2012 Discussions with BCD regarding upcoming deposition preparation; research factual information on clients' duties; review documents produced by client relating to "desk audit" and expert's interview of Commanders; review and revise deposition notice for city representative, bifurcation agreement, supplemental interrogatory responses; prepare list of commanders for review of patient care record paper documents; telephone discussions with client (B. Fitzpatrick), BCD, and opposing counsel regarding review of patient care records	MQ 1.70
3/22/2012 Review of patient care records with client (B. Fitzpatrick) for selection and copying; meeting with BCD to discuss expert report, clients' duties, numerical analysis by expert, city representative deposition notice, and correspondence with opposing counsel; telephone call to opposing counsel regarding discovery deadlines and other issues; follow-up emails to opposing counsel regarding same; discussions with client (K. Brown) regarding deposition attendance	MQ 6.50
3/23/2012 Research and review case law on motions to exclude expert testimony; review notes and deposition testimony for information on call priority, dispatching, and district boundaries in preparation for expert deposition; finalize and send correspondence to opposing counsel regarding bifurcation, representative plaintiffs, and discovery deadline	MQ 3.70
3/26/2012 Discussions with BCD and client (K. Brown) regarding expert deposition and case status; discussions with AT regarding document inspection of patient care records; follow-up discussions with BCD regarding deposition and case strategy; discussions with clients (Fitzpatrick, Brown & Wright) regarding [REDACTED]	MQ 0.80
3/27/2012 Inspection of Patient Care Records at EMS headquarters for copying, redaction, and production by defendant; discussions with BCD and plaintiffs Fitzpatrick, Brown and Wright regarding [REDACTED]	MQ 3.60
3/28/2012 Meeting with plaintiffs Fitzpatrick, Brown and Wright regarding [REDACTED] review sample Daubert motion to challenge admissibility of expert testimony/opinion; review City's objections to 30(b)(6) deposition notice; locate documents pointing to information requested on 30(b)(6) notice	MQ 3.80
3/30/2012 Telephone conference with opposing counsel regarding city representative deposition topics, bifurcation, and discovery issues; revise city representative deposition notice and serve on defendant; discussions with plaintiffs	MQ 1.30

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 43

Transaction Date Description	User Time
Brown and Fitzpatrick regarding discovery issues	
4/2/2012 Document review and preparation for depositions; revise amended/supplemental interrogatory responses; prepare and produce additional documents and videos; email discussions with clients Brown and Wright regarding additional documents to be produced	MQ 6.60
4/3/2012 Review documents produced by city regarding desk audits and expert interviews	MQ 1.20
4/4/2012 Research and review court orders striking K.D. Smith's expert testimony; complete review and cataloguing of latest documents produced by defendant	MQ 0.60
4/5/2012 Continue review of desk audit and Karen Dulaney Smith interview notes with District Commanders; discussions with BCD regarding motion to exclude expert's testimony and regarding dispatch data and statistical information; process and analyze dispatch data produced by defendant for statistical information on Commanders and other responders' time spent on calls	MQ 2.80
4/9/2012 Process dispatch data for statistical/numerical analysis; continue review of K.D. Smith's interview notes with Commanders; email discussions with client (K. Brown) regarding radio code names for EMS response units	MQ 3.20
4/10/2012 Review and process dispatch data to calculate statistics on number of responses per paramedic and commander	MQ 2.10
4/11/2012 Discussions with BCD regarding statistics of calls that paramedics and Commanders respond to	MQ 0.10
4/13/2012 Discussions with BCD regarding numerical analysis of paramedics and commanders responses; continue numerical analysis	MQ 1.70
4/16/2012 Discussions with AT regarding numerical analysis of paramedic and commander dispatch responses	MQ 0.40
4/19/2012 Telephone discussions with BCD and opposing counsel regarding trial date continuance	MQ 0.10

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 44

Transaction Date Description	User Time
4/20/2012 Additional discussions with opposing counsel and BCD regarding trial date continuance	MQ 0.10
4/25/2012 Discussions with BCD and opposing counsel regarding upcoming discovery and motion deadlines; review draft joint advisory to court regarding dispositive motion deadline	MQ 0.10
5/3/2012 Discussions with BCD, AT, and opposing counsel regarding deadlines, depositions and discovery documents	MQ 0.40
5/4/2012 Discussions with BCD and AT regarding deposition notices for city representatives and individual witnesses; finalize notices to be sent out	MQ 0.40
5/7/2012 Review and finalize deposition notices; review numerical calculations of EMS personnel's responses to emergency calls	MQ 0.20
5/10/2012 Discussions with BCD regarding motion to strike expert, upcoming depositions, and numerical evidence on dispatching of commanders/paramedics; revise numerical analysis of dispatching	MQ 4.90
5/11/2012 Continue numerical calculations and analysis of dispatch responses; discussions with BCD regarding same; discussions with opposing counsel regarding incomplete production of dispatch documents; discussions with clients (V. Branning, Fitzpatrick, Brown) regarding documents, depositions and other evidence; review motion to exclude expert witness testimony/report; prepare documents for deposition of city representative	MQ 3.80
5/13/2012 Preparation for City representative deposition (S. Flores)	MQ 2.00
5/15/2012 Depositions of Chief Shamard and Chief Rodriguez as city reps and of Chief Rodriguez individually	MQ 7.50
5/16/2012 Discussions with BCD and opposing counsel regarding production of CAD records and regarding MSJ filing and response	MQ 0.20
5/29/2012 Edit, review and analyze spreadsheet containing CAD dispatch information from 2008-2011	MQ 3.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 45

Transaction Date Description	User Time
6/1/2012 Meeting with BCD and AT regarding statistical/numerical analysis of dispatch data and regarding plaintiffs' affidavits and other preparation for MSJ response; continue work and analysis of numerical information; telephone call and email to client regarding CAD records and analysis	MQ 3.00
6/4/2012 Work with client (B. Fitzpatrick) on analysis of CAD records	MQ 2.70
6/5/2012 Continue review and analysis of CAD dispatch records	MQ 2.20
6/6/2012 Continue review and analysis of CAD data for use in MSJ and litigation	MQ 2.80
6/7/2012 Meeting with BCD regarding numerical analysis of CAD records; continue analysis and review of CAD data	MQ 3.00
6/11/2012 Discussions with opposing counsel regarding extension of deadline to respond to MSJ	MQ 0.10
6/12/2012 Continue numerical analysis of CAD records; discussions with BCD regarding same and MSJ deadline extension; email to opposing counsel regarding agreement on MSJ deadline extension	MQ 2.50
6/13/2012 Discussions with BCD regarding City's request for extension of page limit on MSJ; correspondence with opposing counsel regarding same; telephone call to court clerk regarding procedure for informing court of deadline extension for responding to City's MSJ	MQ 0.30
6/14/2012 Review documents produced by defendant	MQ 0.20
6/18/2012 Prepare outline for MSJ response; review case law and administrative guidance; begin review and analysis of City's MSJ	MQ 2.30
6/19/2012 Review City's MSJ, regulations and agency guidelines; continue preparing outline for response; discussions with BCD and opposing counsel regarding MSJ documents filed; continue numerical analysis of CAD dispatch records	MQ 4.33

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 46

Transaction Date Description	User Time
6/20/2012 Continue numerical analysis of CAD dispatch records; continue review of case law and outlining/drafting of MSJ response	MQ 4.90
6/21/2012 Continue writing outline/draft of MSJ response and analysis of regulations, case law and regulatory guidance	MQ 3.20
6/22/2012 Continue drafting outline of MSJ response	MQ 1.50
6/25/2012 Continue reviewing case law and incorporating regulatory and case law citations into draft outline/brief; discussions with BCD regarding plan for MSJ response; finalize and file motion to seek extension of response deadline	MQ 2.90
6/26/2012 Review case notes and deposition transcript and begin drafting affidavits supporting MSJ response	MQ 3.90
6/27/2012 Continue drafting affidavit for client (B. Fitzpatrick); review deposition and other notes; discussions with BCD regarding MSJ response outline/plan and client affidavit	MQ 4.50
6/28/2012 Continue updating affidavit for client (B. Fitzpatrick); meeting with client and BCD to review/revise affidavit;	MQ 4.80
6/29/2012 Continue drafting/revising affidavit for client (B. Fitzpatrick); discussions with BCD regarding affidavits and draft pleadings	MQ 3.00
6/30/2012 Continue editing B. Fitzpatrick affidavit; begin drafting K. Brown affidavit; email to BCD attaching current draft of documents	MQ 1.00
7/1/2012 Continue reviewing deposition testimony and other notes; review and revise affidavits of Commanders Fitzpatrick, Brown and Wright	MQ 2.60
7/2/2012 Continue drafting and revising affidavits; discussions with BCD regarding MSJ response draft and affidavits; discussions with law clerk regarding standard for finding of willful violation of FLSA; discussions with AT	MQ 4.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 47

Transaction Date Description	User Time
regarding checking accuracy of plaintiffs' employment history on affidavits	
7/3/2012 Continue drafting/revision of affidavits; discussions with BCD regarding MSJ response draft and next drafting steps; email communications with clients regarding review and signing of affidavits	MQ 4.00
7/4/2012 Continue drafting and revising client affidavits and reviewing interview notes and depositions	MQ 3.00
7/5/2012 Continue drafting and revision of affidavits and MSJ response; review documents, interview notes and depositions; discussions with BCD regarding status of drafting; communications with clients regarding review and signature of affidavits	MQ 6.20
7/6/2012 Continue drafting of client affidavits and MSJ response; discussions with BCD and AT regarding same and appendix of summary judgment evidence; discussions with client (S. Lindsley) regarding affidavit; discussions with BCD regarding statute of limitations summary judgment decision	MQ 7.80
7/7/2012 Continue review and revisions of MSJ response brief and affidavits	MQ 6.80
7/9/2012 Continue drafting and revising MSJ response, summary of facts, affidavits; review documents and depositions for evidence in opposition of MSJ	MQ 5.90
7/9/2012 Continue drafting and revising MSJ response, statement of facts, affidavits, and reviewing and incorporating evidence in opposition of MSJ; finalize pleadings and file documents in court	MQ 8.50
7/10/2012 Discussions with AT regarding printing and delivery of paper copy of pleading and DVD to court; discussions with opposing counsel regarding courtesy copy of DVD; draft email to plaintiffs regarding MSJ decision on statute of limitations	MQ 1.00
7/12/2012 Telephone discussions with client and BCD regarding [REDACTED] [REDACTED]	MQ 0.20

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 48

Transaction Date Description	User Time
7/17/2012 Review defendant's reply in support of MSJ; meeting with plaintiffs to discuss SOL MSJ ruling and current status of case	MQ 1.60
7/18/2012 Email discussions with opposing counsel regarding filing of motion for leave to file surreply to city's MSJ; discussions with BCD regarding surreply	MQ 0.20
7/21/2012 Review deposition transcripts and MSJ, opposition, reply and exhibits; draft surreply sections on administrative employees	MQ 3.00
7/22/2012 Continued: review deposition transcripts and MSJ, opposition, reply and exhibits; draft surreply sections on administrative employees	MQ 3.00
7/23/2012 Continue drafting surreply sections on administrative employees and willfulness of FLSA violation; finalize pleading and motion for leave to file; file pleadings	MQ 1.80
8/7/2012 Research and review case law and sample motions on motions to consolidate cases under FRCivP 42(a); begin drafting joint motion to consolidate	MQ 2.30
8/8/2012 Finalize draft joint motion to consolidate and proposed order; email discussions with BCD and opposing counsel regarding same; review local rules and electronic filing requirements for joint motions	MQ 0.90
8/16/2012 Email correspondence with opposing counsel regarding joint motion to consolidate; review opposing counsel's comments on same; finalize and file motions to consolidate	MQ 0.30
8/20/2012 In person discussions with BCD and email and telephone discussions with clients (DiDonato, Ricketson, Wadham) regarding [REDACTED]	MQ 0.60
8/21/2012 Telephone discussions with client (DiDonato) about [REDACTED]; telephone message to client (Wadham) regarding [REDACTED]	MQ 0.30

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 49

Transaction Date Description	User Time
8/27/2012 Review news article regarding settlement of Mullins v. City of New York police officers' FLSA overtime suit under first responder regulations; email discussions with BCD regarding same	MQ 0.10
9/6/2012 Review correspondence with opposing counsel regarding bifurcation of liability and damages stages; discussions with BCD regarding same	MQ 0.20
9/7/2012 Discussions with BCD and opposing counsel regarding bifurcation and pretrial conference scheduling	MQ 0.40
9/10/2012 Draft joint motion to bifurcate and proposed order; case law research on same; email draft to BCD for review	MQ 0.90
9/11/2012 Review and revise draft motion to bifurcate; case law research on examples of "test plaintiff" discovery/trial; email draft motion to BCD and opposing counsel for review	MQ 0.60
9/12/2012 Review opposing counsel's edits to motion to bifurcate; review relevant regulations and email to BCD for review	MQ 0.30
9/17/2012 Email to opposing counsel regarding filing of motion to bifurcate; finalize joint motion and proposed order; instructions for AT to file motion and proposed order	MQ 0.20
9/19/2012 Discussions with BCD regarding preparation for pre-trial conference and pre-trial order	MQ 0.30
9/20/2012 Discussions with client (V. Branning) regarding case status update and number of hours required for light duty	MQ 0.20
9/21/2012 Review magistrate judge's report and recommendation on City's MSJ; summary email to clients	MQ 1.00
9/24/2012 Email discussions with clients regarding MSJ R&R by magistrate	MQ 0.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 50

Transaction Date Description	User Time
9/25/2012 Follow-up email discussions with clients regarding Magistrate's R&R on MSJ; review sample pretrial orders; begin drafting list of witnesses and exhibits and other pretrial order matters	MQ 2.60
9/26/2012 Continue reviewing documents for list of exhibits for pretrial order; continue drafting pretrial order	MQ 1.90
9/27/2012 Follow-up email discussions with clients regarding MSJ and client meeting; continue reviewing documents and drafting proposed PTO	MQ 1.90
9/28/2012 Discussions with BCD regarding pretrial order and objections to magistrate's MSJ R&R; case law research on burdens of proof on FLSA claims, exemptions and first responder regulation; continue reviewing production documents and updating draft pretrial order list of exhibits and witnesses; email discussions with opposing counsel regarding opposition to reversing order of presentation of evidence at trial	MQ 2.30
10/1/2012 Begin drafting objections to magistrate's R&R; review MSJ pleadings	MQ 2.90
10/2/2012 Continue drafting Objections to Magistrate's R&R; review pleadings and documents; discussions with BCD regarding pre-trial order draft and evidence for or against finding that employees are paid on salary basis; review documents and deposition testimony regarding same	MQ 5.00
10/3/2012 Continue drafting objections to magistrate judge's R&R; case law research regarding same; discussions with BCD and clients regarding salary basis and deductions from pay; research federal register regarding salary basis exceptions for state and local government employees; conference with opposing counsel regarding pretrial order, jury instructions, and stipulated facts	MQ 5.00
10/4/2012 Continue drafting objections to magistrate's R&R; review binder of exhibits to be included in PTO; conference call with opposing counsel regarding stipulated facts and jury instructions; meeting with plaintiffs to discuss MSJ rulings, upcoming pre-trial conference, and other issues; begin preparing spreadsheet for calculation of plaintiffs' damages; emails to clients regarding zero time for arriving late to work; review plaintiffs' start and end dates for purposes of damages calculations	MQ 4.90
10/5/2012 Finalize PTO and Objections to Magistrate R&R; continue calculations of plaintiffs' damages; file PTO and R&R objections	MQ 3.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 51

Transaction Date Description	User Time
10/7/2012 Unpaid overtime damages calculations	MQ 1.00
10/8/2012 Continue building spreadsheet for calculation of plaintiffs' damages; discussion with AT regarding printing of defendant's proposed exhibits; discussions with BCD regarding damages calculations	MQ 2.20
10/9/2012 Continue calculation of plaintiffs' damages; meeting with AT and LM to discuss completion of spreadsheet of damages calculations; review City's proposed exhibits; discussions with BCD regarding calculation of regular rate and overtime pay due	MQ 5.10
10/10/2012 Continue updating damages calculation spreadsheet; continue review of city's proposed exhibits; discussions with BCD regarding damages and exhibits; discussions with client (B. Fitzpatrick) regarding damages calculations; research and drafting in response to city's motion to open and close evidence	MQ 4.40
10/11/2012 Continue discussions with clients, AT and LM regarding damages calculation; research and review case law on city's motion to open and close evidence; draft and file opposition; telephone conference with M. Kneeland regarding RMS notes to be introduced as evidence	MQ 2.35
10/12/2012 Continue discussion of damages with LM and AT; Review City's objections to exhibits and response to plaintiffs' objection to R&R; Discussions with BCD regarding same; Draft Response to City's objections to R&R; case law research for same; review documents and prior MSJ pleadings; file response and supporting documents	MQ 3.90
10/16/2012 Discussions with BCD regarding opposing counsel's proposed motion to strike affidavit and exhibits; review judge's order adopting magistrate's R&R; draft email to plaintiffs regarding same	MQ 0.90
10/17/2012 Revise and send email to plaintiffs regarding Judge's order on R&R and upcoming pretrial conference; discussions with BCD regarding pretrial conference and trial preparations; review city's motion in limine; review and gather documents regarding plaintiffs' status as "salaried" employees; email to client (K. Brown) regarding compensation for holdover time	MQ 2.00
10/18/2012 Continue reviewing deposition transcripts and documents relating to "salary basis" evidence and testimony; case law research regarding admissibility of summary evidence under FRE 1006; assign research to law clerk regarding same; review case law research and law clerk results	MQ 4.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 52

Transaction Date Description	User Time
10/19/2012 Preparation for final pretrial conference; discussions with BCD regarding same; case law research on admissibility of summary evidence under FRE 1006; draft letter brief on same; attend final pretrial conference; email to all clients regarding trial scheduling and upcoming steps; telephone conversation with client (B. Fitzpatrick) regarding testimony on summaries of CAD records and regarding trial schedule and upcoming steps	MQ 5.50
10/20/2012 Review documents produced by client relating to clients' unpaid hours for partial days/workweeks missed; prepare amended trial exhibit list, exhibits, and explanatory notes for BCD; email to clients regarding zero time reflected on personnel records	MQ 2.30
10/21/2012 Email and telephone discussions with clients (C. Gerac, T. Bryan) regarding unpaid time for partial days/workweeks missed; emails to/from V. Branning regarding deposition transcript copies	MQ 1.00
10/22/2012 Discussions with BCD regarding exhibits, jury instructions, amended complaint and other case strategy; discussions with AT regarding preparation of additional trial exhibits and V. Branning deposition transcript; meeting with opposing counsel regarding exhibits and jury instructions; draft amended complaint to comply with judge's request	MQ 3.50
10/23/2012 Review of defendant's exhibits for objections; discussions with clients regarding deposition and other testimony; review and revise summaries of dispatch data and statistics; email discussions with opposing counsel regarding objectionable exhibits; revise plaintiffs' amended complaint	MQ 3.30
10/24/2012 Discussions with BCD regarding summary/chart evidence of commanders' response times and about amended exhibit list; meeting with opposing counsel regarding jury instructions and exhibits; review, revise and file amended complaint per court's instructions; email to clients regarding attendance at trial and review of depositions; review exhibits for forwarding to clients	MQ 4.90
10/25/2012 Review and revise list of exhibits and emails to BCD and opposing counsel regarding same and regarding parties' objections to exhibits; draft exhibit to jury instructions regarding salary basis and hire/fire issues; email discussions with client (T. Thomas) regarding Commander patient care duties; review documents and depositions regarding salary basis issue	MQ 4.50
10/26/2012 Review, proofread, revise and finalize joint proposed jury charge, amended exhibit list, email to court regarding agreed exhibits, and trial brief on factual disputes regarding salary basis and hire/fire; prepare defendant's exhibits and send selected exhibits to clients for review; discussions with AT and IT tech regarding software for presentation of demonstratives at trial	MQ 5.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 53

Transaction Date Description	User Time
10/27/2012 Discussions with BCD regarding upcoming case steps and trial preparation (findings of fact and conclusions of law, JMOL draft and witness preparation)	MQ 0.27
10/28/2012 Review case law on liquidated damages; draft trial brief and proposed findings of fact and conclusions of law	MQ 4.00
10/29/2012 Discussions with AT and BCD regarding exhibit labeling and designations; review deposition, interview, and pleading materials regarding Commander Lindsley for deposition preparation; discussions with BCD regarding order of presentation of evidence and regarding draft JMOL	MQ 4.70
10/30/2012 Continue case law review on FLSA liquidated damages; finalize draft findings of fact and conclusions of law; continue compiling exhibits with AT; coordinate schedule of witness preparation meetings with AT; coordinate display of demonstratives at trial with AT; prepare depositions, affidavits, notes and other documents ahead of witness preparation; conference call with opposing counsel and court regarding City's motion to reverse order of evidence and arguments; discussions with BCD regarding commanders' duties and salary basis	MQ 6.10
10/31/2012 Continue preparation of direct examination outlines for witnesses; meeting with BCD and witness (B. Fitzpatrick) in preparation for testimony; review Lindsley and Broadwater depositions and pleadings relating to their duties	MQ 7.70
11/1/2012 Meetings with Commanders Lindsley, Broadwater and V. Branning for trial preparation; test run of audiovisuals in courtroom; discussions with law clerk regarding JMOL legal standard research and writeup; discussions with opposing counsel regarding admissibility of plaintiffs' exhibits and regarding timing of Broadwater's testimony as adverse witness for city; draft skeleton JMOL and response	MQ 8.50
11/2/2012 Meetings with K. Brown and M. Wright to prepare for trial testimony; discussions with BCD, AT and other partners regarding voir dire questions and trial preparation	MQ 8.10
11/3/2012 Trial preparation: voir dire scaled questions, JMOL, witness outlines, exhibits	MQ 6.90
11/4/2012 Trial preparation: voir dire scaled questions, JMOL, witness outlines, exhibits	MQ 5.32
11/5/2012 Trial and trial preparation	MQ 11.12

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 54

Transaction Date Description	User Time
11/6/2012 Trial and trial preparation	MQ 12.50
11/7/2012 Trial and trial preparation	MQ 12.00
11/8/2012 Trial and trial preparation.	MQ 13.50
11/9/2012 Trial and trial preparation	MQ 6.00
11/12/2012 Review jury charge for purpose of making plaintiffs' objections; discuss same with BCD; review and comment on draft closing statement	MQ 2.60
11/13/2012 Trial closing arguments; return to court to respond to jury question	MQ 3.50
11/14/2012 Return to court to answer jury's questions; email and telephone discussions with clients to update them on status of jury's deliberations	MQ 1.30
11/15/2012 Return to court to answer jury question; return to court for jury verdict and post-verdict discussion with jury members; discussions with BCD regarding next steps, motion for judgment, motion for JMOL, damages calculations and potential settlement	MQ 3.60
11/19/2012 Discussions with BCD regarding next steps, motion for judgment, motion for JMOL, damages calculations and potential settlement; review FRCivP and perform case law research on deadlines for filing motion for entry of judgment on verdict and motion for JMOL/new trial; email response to client (C. Gerac) regarding case history	MQ 1.50
11/20/2012 Begin revising renewed motion for JMOL, motion for new trial, motion to reconsider summary judgment; case law research on standards for renewed JMOL and new trial motions	MQ 1.20
11/21/2012 Review and revise motion for judgment on jury verdict, for JMOL, for new trial and for reversal of summary judgment	MQ 1.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 55

Transaction Date Description	User Time
11/26/2012 Email to client (C. Gerac) regarding [REDACTED] discussions with BCD and opposing counsel regarding motion for judgment; continue revising draft motion for judgment	MQ 2.00
11/27/2012 Telephone discussions with client (P. DiDonato) regarding [REDACTED] summarize discussion in notes file	MQ 0.50
11/28/2012 Telephone discussions with opposing counsel and court clerk regarding briefing schedule for judgment motions; email discussions with clients regarding case status and next steps; review and revise draft renewed motion for JMOL	MQ 0.80
11/29/2012 Case law research on standard applicable to reconsideration of MSJ; revise renewed JMOL to incorporate reconsideration of MSJ law and arguments	MQ 2.30
12/3/2012 Telephone and email discussions with opposing counsel and court clerk regarding deadline for filing of motions for judgment; discussions with BCD regarding same	MQ 0.30
12/10/2012 Review and revise motion for judgment; finalize and file motion; print out city's motions for judgment	MQ 1.30
12/12/2012 Review City's motion for judgment; research and print regulations relating to salary basis	MQ 1.00
12/13/2012 Review regulations and case law regarding salary basis; begin drafting section of response to city's motion for judgment salary basis	MQ 2.80
12/14/2012 Draft section on salary basis in response to Defendant's motion for judgment; review trial exhibits, regulations and case law	MQ 3.50
12/15/2012 Continue drafting salary basis section of response to def's motion for judgment	MQ 1.50
12/17/2012 Review, revise and finalize response to City's motions for judgment; file motion	MQ 1.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 56

Transaction Date Description	User Time
12/18/2012 Telephone call with client regarding case status; review city's response to motions for judgment; discussions with BCD regarding whether to file reply	MQ 1.00
12/20/2012 Discussions with BCD and opposing counsel regarding joint advisory to court to correct statement in defendant's response pleadings	MQ 0.80
12/21/2012 Email response to client (C. Gerac) regarding status of post-trial motions	MQ 0.20
12/21/2012 NO CHARGE: [REDACTED]	MQ 1.00
1/2/2013 NO CHARGE: [REDACTED]	MQ 1.00
2/5/2013 Review recent summary judgment case decided by M.D. Ala. federal court regarding FLSA classification of fire lieutenants	MQ 0.50
2/6/2013 Discussions with BCD regarding new case decided on first responder regulation; telephone call to opposing counsel regarding notification to court of new case decided	MQ 0.10
2/7/2013 Telephone conference with opposing counsel regarding submission to Court of supplemental authority on first responder FLSA regulation; telephone call to court's clerk regarding same; draft and submit letter to court enclosing new first responder decision	MQ 0.80
4/8/2013 Review recent decisions under FLSA and first responder regulation	MQ 0.40
5/15/2013 Review new court opinion on FLSA misclassification of fire captain	MQ 0.30
5/16/2013 Discussions with BCD regarding new opinion on FLSA misclassification of fire captain; telephone calls and email to opposing counsel (C. Coppola) regarding submission of supplemental authority to court; draft and email letter	MQ 0.50

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 57

Transaction Date	User
Description	Time

and court opinion to Judge Yeakel's law clerk

6/21/2013	MQ
Review judge's memorandum opinion & order; discussions with BCD and client (J. Curtis); telephone call to client (B. Fitzpatrick) regarding judge's opinion and next steps; email to clients with summary of opinion and next steps; telephone call to court's chambers and opposing counsel regarding resetting of scheduling conference	1.50

6/24/2013	MQ
Email discussions with opposing counsel and court clerk regarding time and date of scheduling conference	0.10

7/1/2013	MQ
Telephone discussions with BCD and opposing counsel (C. Coppola) regarding upcoming scheduling conference with Judge Yeakel, timing for additional evidence and arguments, changes to plaintiffs' compensation and issues on appeal	0.40

7/2/2013	MQ
Scheduling conference with Judge and City of Austin regarding next case steps (damages calculations and additional briefing/arguments)	1.50

7/3/2013	MQ
Email to clients regarding plaintiff meeting on case status and next steps	0.20

7/18/2013	MQ
Discussions with AT regarding pay records obtained and still needed for calculation of damages; email discussions with opposing counsel regarding status of production of pay records	0.20

7/19/2013	MQ
Meeting with plaintiffs; discussions with BCD and AT regarding damages calculations; review damages spreadsheet for accuracy	1.50

7/22/2013	MQ
Review damages calculations; prepare supporting documents for BCD's review of damages figures	0.40

7/23/2013	MQ
Discussions with BCD regarding damages calculations; revise excel spreadsheet with damages calculations; telephone call to opposing counsel regarding damages calculations and additional briefing/evidentiary issues for court's status report; email spreadsheet to opposing counsel	1.10

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 58

Transaction Date Description	User Time
7/24/2013 Update damages spreadsheet to correct formula errors, discussions with LM and AT regarding updating of damages calculations for sample plaintiff (P. Alvarez)	MQ 0.40
7/26/2013 Telephone discussions with opposing counsel regarding damages calculations; review documents and calculations to correct for errors; follow-up discussions with BCD regarding damages calculations	MQ 2.00
7/29/2013 Continue review/correction of damages calculations	MQ 0.80
7/30/2013 Review and revise damages calculations for plaintiffs Johns and Alvarez; email calculations and explanation to opposing counsel; notes on issues to be raised in joint status report to court	MQ 3.30
7/31/2013 Telephone conferences with opposing counsel and BCD regarding damages calculations, joint status report to court, additional evidence and briefing to be presented to court and next steps	MQ 0.40
8/1/2013 Discussions with opposing counsel regarding seeking extension from court on joint status report; telephone call to judge's chambers; follow-up discussion with opposing counsel regarding calculation of damages	MQ 0.80
8/5/2013 Discussions with BCD and opposing counsel regarding damages calculations, additional evidence and briefing and regarding joint status report to court	MQ 0.95
8/6/2013 Review and revise draft joint status report; conference with opposing counsel and BCD regarding contents of status report	MQ 0.80
8/8/2013 Revise damages calculations to correct keying and calculation errors	MQ 0.80
8/9/2013 Continue review of damages calculations and comparison to city's calculations; discussions with BCD regarding same; email to opposing counsel regarding damages and calculations for other plaintiffs; telephone calls to clients (Johns and Alvarez) regarding damages calculations	MQ 1.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 59

Transaction Date Description	User Time
8/12/2013 Telephone and email discussions with client (E. Johns) regarding calculation of damages	MQ 0.30
8/15/2013 Telephone and email discussions with client (P. Alvarez) regarding damages calculations; telephone call to client (E. Johns) regarding same; review files for research on good faith and liquidated damages; review city's pleadings regarding same for law clerk research assignment	MQ 0.70
8/19/2013 Telephone messages to clients (E. Johns and P. Alvarez) regarding damages calculations; email discussions with client (C. Gerac) regarding status of case, next steps, and payment of overtime wages; review draft pleadings on good faith / liquidated damages; discussions with law clerk regarding case factual background and research into good faith / liquidated damages determination	MQ 1.00
8/20/2013 Telephone discussion / messages with clients (E. Johns and P. Alvarez) regarding calculation of damages	MQ 0.20
8/21/2013 Discussions with client (E. Johns) regarding damages calculations and next case steps; email discussions with opposing counsel regarding status of damages calculations	MQ 0.40
8/22/2013 Email discussions and telephone call with BCD regarding scheduling of status conference with Judge Yeakel; email discussions with Judge's clerk regarding same	MQ 0.10
8/23/2013 Review damages calculations and divide files into each individual plaintiff's damages; review dates of employment and classification as field commanders; email to opposing counsel regarding plaintiff M. Montgomery's damages calculation	MQ 1.10
8/24/2013 Emails to and from clients regarding explanation of calculation of damages, review of calculations and various other case matters	MQ 2.00
8/25/2013 Follow up email discussions with clients regarding damages calculations	MQ 0.10
8/26/2013 Email discussions with opposing counsel and clients regarding damages calculations; review city's damages calculations; draft procedure for spot checking city's damages calculations; discussions with AT regarding check of City's damages calculations	MQ 0.70

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 60

Transaction Date Description	User Time
8/28/2013 Prepare for and attend court scheduling hearing	MQ 1.40
8/30/2013 Email to client (C. Gerac) regarding damages calculations and result of status hearing/conference	MQ 0.10
9/3/2013 Emails to and from clients regarding upcoming plaintiff meeting and damages calculations; telephone call to J. Curtis (CLEAT) regarding plaintiff meeting location	MQ 0.20
9/4/2013 Email and telephone discussions with CLEAT regarding scheduling of plaintiff meeting; discussions with BCD regarding changes to pay policies; follow-up emails to clients regarding meeting time and location; calculate deadlines for filing of liquidated damages briefing	MQ 0.40
9/5/2013 Telephone calls to opposing counsel regarding changes in policies on salary basis and deductions and regarding briefing schedule	MQ 0.20
9/6/2013 Meeting with plaintiffs regarding changes in payment policies and next case steps; review damages calculations with client to discuss variable hourly rates of pay	MQ 2.60
9/9/2013 Review new policies on payment of wages during shift conflict week	MQ 0.10
9/10/2013 Review spot checks on damages calculations; tabulate clients' responses to request to review calculations; follow-up email to clients regarding damages calculations verification	MQ 1.00
9/11/2013 Review law clerk's research memorandum on liquidated damages and good faith; review case law research on same; email to clients regarding calculation of damages figures; discussions with BCD regarding ordering of trial transcript	MQ 1.40
9/12/2013 Review case law research regarding liquidated damages and good faith; begin drafting brief; discussions with AT and BCD regarding ordering of trial transcript	MQ 2.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 61

Transaction Date Description	User Time
9/13/2013 Continue review of case law on liquidated damages and good faith; continue drafting brief	MQ 0.40
9/16/2013 Continue reviewing case law on liquidated damages and good faith; continue drafting brief; arrange for follow-up with clients regarding review of back pay damages figures	MQ 2.70
9/17/2013 Continue reviewing case law on liquidated damages and good faith; continue drafting brief; review exhibits and trial transcript for good faith evidence; discussions with clients and BCD regarding damages calculations and briefing issues	MQ 2.10
9/18/2013 continue review of trial transcript and trial exhibits for good faith evidence; continue drafting brief on good faith	MQ 4.02
9/19/2013 Continue review of trial exhibits and trial transcript; continue drafting of brief on liquidated damages and good faith; review new policy regarding exempt status, salary basis and correction of payment errors	MQ 2.80
9/20/2013 Continue reviewing trial transcript; update liquidated damages / good faith brief	MQ 1.70
9/22/2013 Case law research on permanent injunction by employee plaintiffs under FLSA; research date of damages cutoff	MQ 1.00
9/23/2013 Review case law on availability of prospective injunctive relief for employee plaintiffs under FLSA; review case law on date when damages cease to accrue; draft brief sections on injunctive relief, back pay damages, and reexamination of loss of exemption/salary basis issue	MQ 3.80
9/24/2013 Discussions with AT regarding creation of table of contents and table of authorities; review updated draft brief	MQ 1.30
9/25/2013 Review table of contents and table of authorities; merge changes into single document; additional edits and finalization of document; arrange for filing and service of brief	MQ 3.00
9/26/2013 Review City's damages pre-hearing brief; discussions with BCD regarding same	MQ 0.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 62

Transaction Date Description	User Time
9/27/2013 Review pay records to confirm refund of zero time	MQ 0.10
9/30/2013 Discussions with BCD regarding response to City's pre-hearing damages brief and planning for damages hearing	MQ 0.20
10/2/2013 Meeting with BCD to discuss response to City's damages pre-hearing brief, damages stipulation, and preparation for hearing; review cases cited by City in damages pre-hearing brief; discussions with law clerk regarding research assignment on salary basis and improper deductions	MQ 2.50
10/3/2013 Review law clerk's research memo on salary basis and improper deductions	MQ 0.10
10/4/2013 Review City's brief on good faith; review case law; outline response	MQ 3.40
10/7/2013 Telephone conference with opposing counsel regarding damages and exhibits stipulations and hearing issues; email to clients regarding meeting in preparation for hearing; continue review of case law and drafting response brief regarding good faith and other issues	MQ 6.30
10/7/2013 Continue reviewing case law on good faith and loss of exemption; continue drafting response brief	MQ 1.00
10/8/2013 Continue drafting response brief on damages; locate case law and trial exhibit/transcript citations for brief; merge comments from BCD; create table of context and index of authorities	MQ 5.60
10/9/2013 Merge versions of brief; complete table of contents, index of authorities and exhibits; finalize, file and serve brief	MQ 2.20
10/10/2013 Preparation for hearing discussion meeting with BCD; telephone call with opposing counsel to schedule conference call for hearing discussions; review past salary basis pleadings/arguments; outline topics for discussion with BCD/opposing counsel regarding hearing	MQ 1.30
10/11/2013 Discussions with BCD regarding upcoming hearing and preparation; telephone conference with client regarding same, evidence, exhibits, witnesses and issues to be presented at hearing; arrange meetings with clients;	MQ 2.60

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 63

Transaction Date Description	User Time
continue reviewing briefing on salary basis issue; draft timeline of briefing of salary basis issues	
10/14/2013 Discussions with clients/BCD regarding postponement of meeting/hearing	MQ 0.20
10/15/2013 Discussions with BCD, clients, court, opposing counsel regarding hearing continuance; discussions with AT and court staff regarding courtroom technology	MQ 0.30
10/16/2013 Discussions with BCD regarding rescheduling of hearing; email to client regarding recent change in light duty policy	MQ 0.10
10/17/2013 Compare BCD and MQP schedules for resetting of damages hearing; telephone conference with opposing counsel regarding rescheduling of hearing	MQ 0.30
10/18/2013 email to opposing counsel (C. Coppola) regarding scheduling of damages hearing	MQ 0.10
10/22/2013 Follow-up discussions with BCD and opposing counsel regarding rescheduling of damages phase hearing, selection of dates to be proposed to court.	MQ 0.30
10/25/2013 [REDACTED]	MQ 0.20
10/30/2013 [REDACTED]	MQ 0.20
11/4/2013 Email discussions with clients (B. Fitzpatrick and E. Johns) re: status of damages hearing schedule and damages evidence; email and telephone discussions with court clerk and opposing counsel re: scheduling of damages hearing and parties' and court's availability.	MQ 0.40
11/5/2013 Follow-up discussions with clients (B. Fitzpatrick and E. Johns) re: hearing scheduling and meeting in preparation for hearing testimony; emails to and from opposing counsel re: parties' availability for damages	MQ 0.40

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 64

Transaction Date Description	User Time
hearing and estimated length of hearing.	
11/6/2013 Email and telephone discussions with clients and opposing counsel regarding hearing scheduling and preparations; discussions with BCD regarding same	MQ 0.70
11/11/2013 Meeting with client (E. Johns) and BCD re: damages hearing testimony; email discussions with client (B. Fitzpatrick) re: [REDACTED]	MQ 1.80
11/12/2013 Review outline for damages hearing and update outline; review parties' damages briefing; preparation of documents for meeting with client/witness for hearing (B. Fitzpatrick); discussions with AT regarding preparation of trial binder and practice of courtroom audiovisual equipment; follow-up discussions with BCD regarding hearing preparation; telephone call to opposing counsel regarding order of presentation of hearing evidence	MQ 2.40
11/13/2013 Telephone conference with opposing counsel regarding order of presentation, witnesses and exhibits for damages hearing; emails to plaintiffs regarding scheduling of damages hearing and issues for hearing	MQ 0.90
11/14/2013 Prepare documents and notes for client meeting; meeting with client (E. Johns) in preparation for damages hearing; review additional documents regarding pay deductions for bid conflict; email to client (C. Gerac) regarding injunction relief and regarding bid conflict deduction issue; practice run through new courtroom technology; email to plaintiffs regarding setting of damages hearing date/time	MQ 2.20
11/15/2013 Discussions with BCD and client regarding shift bid conflicts and improper deductions	MQ 0.10
11/19/2013 Update backpay damages calculations/stipulations; discussions with BCD and client (E. Johns) regarding preparation of arguments, evidence and testimony during damages hearing; review briefing for preparation of trial transcript excerpts for damages hearing; arrange for preparation of trial exhibit excerpts	MQ 1.70
11/20/2013 Finalize damages calculations/stipulations; finalize exhibits and exhibit lists; finalize demonstrative exhibits for damages hearings; discussions with BCD and clients regarding arguments and evidence for hearing; email and telephone discussions with opposing counsel regarding stipulations, exhibits and damages hearing; arrange for preparation of sets of exhibits for damages hearing	MQ 5.60

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 65

Transaction Date Description	User Time
11/21/2013 Final preparations for damages hearing and closing argument; attend hearing	MQ 5.40
1/3/2014 Review judge's order; email to clients regarding judge's order and next steps	MQ 0.50
1/6/2014 Email discussions with clients regarding status of case, appeal, attorney fees, and other next steps; draft email to opposing counsel regarding calculation of plaintiffs' pay and backpay, likelihood of settlement, and discussion with court clerk	MQ 0.60
1/10/2014 Discussions with BCD and clients regarding scheduling of status meeting with plaintiffs	MQ 0.10
1/15/2014 Meeting with plaintiffs regarding damages phase findings of fact and conclusions of law, settlement potential and next steps in case [REDACTED]	MQ 1.50
1/21/2014 Discussions with AT and opposing counsel regarding updated backpay calculations	MQ 0.30
1/22/2014 Email discussions with AT regarding plaintiffs' updated backpay calculations; review draft email to plaintiffs and backpay spreadsheets; email discussions with client (V. Branning) regarding [REDACTED]	MQ 0.40
1/23/2014 Review updated damages figures for plaintiffs; email discussions with AT and opposing counsel regarding updated calculations and supporting pay and hours worked documentation; review draft email to plaintiffs regarding backpay calculations	MQ 1.50
1/27/2014 Review updated backpay damages calculations; discussions with client (B. Fitzpatrick) about backpay calculations; review paystub documents produced by client; email to opposing counsel regarding backpay calculations and supporting documents	MQ 1.20
1/28/2014 Review client (B. Fitzpatrick's) paystub for backpay and accuracy issues; discussions with client (B. Fitzpatrick) regarding same; discussions with AT regarding clients' approval of backpay calculations; email discussions with client regarding backpay calculations and report of plaintiffs' hours worked	MQ 1.00

2/14/2014
12:17 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Time Only

Page 66

Transaction Date Description	User Time
---------------------------------	--------------

1/29/2014 Review damages calculations received from City; discussions with opposing counsel and client regarding same; draft proposed joint stipulation regarding backpay damages; email to BCD regarding draft joint stipulation	MQ 2.30
---	------------

1/30/2014 Revisions to stipulated damages figures; discussions with BCD regarding same; email and telephone discussions with opposing counsel regarding stipulations; check city's damages calculations	MQ 1.70
---	------------

1/31/2014 Review City's edits to joint stipulations and backpay figures; discussions with BCD regarding same; finalize and file joint stipulations; telephone call to court regarding stipulations	MQ 0.60
--	------------

2/4/2014 Conference call with Judge's clerk, BCD and opposing counsel regarding amended stipulations	MQ 0.10
---	------------

2/5/2014 Discussions with BCD regarding communication from court regarding updated damages figures; discussions with client (B. Fitzpatrick) regarding status of case and next steps	MQ 0.20
--	------------

2/6/2014 Review final judgment entered by Court; draft email to plaintiffs	MQ 0.40
---	------------

Total: MQ

823.33

Initials: PD

11/2/2012 Conf w/ BCD and MQ on jury Qs and voir dire	PD 0.80
--	------------

Total: PD

0.80

Grand Total

1451.06

Adjustments to Attorney Time Report*Benavides v. City of Austin*

Date	Initials	Adjustment	Reason
Various	BCD	Subtract 18.9	Time spent on statute of limitations MSJ/issues*
9/21/2012	BCD	Add 1.4	Miscoded as LC
Various	LC	Subtract 21	Time spent on statute of limitations MSJ/issues*
9/21/2012	LC	Subtract 1.4	Miscoded; should be credited to BCD
Various	MB	Subtract 3.6	Time spent on statute of limitations MSJ/issues*
1/2/2013	MQ	Subtract 1.0	Time spent on unrelated matter
12/21/2012	MQ	Subtract 1.0	Time spent on unrelated matter
10/25/2013	MQ	Subtract 0.2	Time spent on unrelated matter
10/30/2013	MQ	Subtract 0.2	Time spent on unrelated matter
Various	MQ	Subtract 44	Time spent on statute of limitations MSJ/issues*

* Time subtracted as spent on statute of limitations MSJ/issues is tabulated in the attached “Chart of Time Excluded”

Biller	Date	Time	Reason
BCD	10/7/2011	1.0	S/L
BCD	11/7/2011	1.2	S/L
BCD	11/8/2011	4.0	S/L
BCD	11/9/2011	4.0	S/L
BCD	11/10/2011	3.4	S/L
BCD	11/21/2011	0.3	S/L
BCD	12/6/2011	0.8	S/L
BCD	7/6/2012	1.0	S/L
BCD	7/9/2012	1.0	S/L
BCD	7/10/2012	1.0	S/L
BCD	7/17/2012	1.2	S/L

Subtotal 18.9

LC	8/8/2011	2.5	S/L
LC	8/8/2011	4.0	S/L
LC	8/9/2011	2.0	S/L
LC	8/9/2011	1.0	S/L
LC	8/9/2011	2.0	S/L
LC	8/10/2011	1.8	S/L
LC	8/10/2011	1.0	S/L
LC	8/10/2011	1.0	S/L
LC	8/10/2011	1.0	S/L
LC	8/10/2011	1.0	S/L
LC	8/11/2011	1.8	S/L
LC	7/5/2012	3.0	S/L

Subtotal 21.0

MB	4/25/2011	2.1	S/L
MB	4/26/2011	0.4	S/L
MB	5/11/2011	0.3	S/L
MB	5/12/2011	0.5	S/L
MB	5/12/2011	0.3	S/L

Subtotal 3.6

MQP	7/28/2011	0.2	S/L
MQP	8/3/2011	1.7	S/L
MQP	8/5/2011	0.6	S/L
MQP	8/9/2011	0.5	S/L
MQP	8/11/2011	0.6	S/L
MQP	10/27/2011	0.2	S/L
MQP	10/31/2011	0.1	S/L
MQP	11/1/2011	2.5	S/L
MQP	11/2/2011	2.5	S/L
MQP	11/3/2011	5.8	S/L
MQP	11/4/2011	2.2	S/L
MQP	11/5/2011	1.0	S/L
MQP	11/6/2011	0.5	S/L
MQP	11/7/2011	2.5	S/L
MQP	11/8/2011	5.1	S/L
MQP	11/9/2011	4.9	S/L

MQP	11/10/2011	3.2	S/L
MQP	11/22/2011	1.0	S/L
MQP	11/23/2011	0.1	S/L
MQP	12/2/2011	1.7	S/L
MQP	12/3/2011	2.0	S/L
MQP	12/5/2011	0.1	S/L
MQP	12/6/2011	0.9	S/L
MQP	12/12/2011	0.2	S/L
MQP	7/6/2011	1.0	S/L
MQP	7/12/2012	0.2	S/L
MQP	7/17/2012	1.3	S/L
MQP	8/20/2012	0.6	S/L
MQP	8/21/2012	0.3	S/L
MQP	11/27/2012	0.5	S/L

Subtotal 44.0

EXHIBIT B

ADMINISTRATIVE SERVICES SALARIES

	Chief Administrator		Percent Change	Office Manager		Percent Change	Finance Director		Percent Change	Personnel Director		Percent Change
	2013	2012		2013	2012		2013	2012		2013	2012	
Survey Median Averages	\$150,000	\$140,000	7.1%	\$73,375	\$70,500	4.1%	\$110,000	\$102,000	7.8%	\$85,000	\$83,300	2.0%
Median Averages by City												
Austin/San Antonio	\$152,000	\$152,000	0.0%	\$70,000	\$65,000	7.7%	\$97,044	\$93,500	3.8%	\$81,000	\$78,675	3.0%
Dallas/Fort Worth	\$140,000	\$130,000	7.7%	\$71,750	\$69,000	4.0%	\$95,100	\$91,900	3.5%	\$86,400	\$83,500	3.5%
Houston	\$175,000	\$165,000	6.1%	\$96,306	\$91,375	5.4%	\$115,000	\$109,000	5.5%	\$85,000	\$96,000	-11.5%
Other	\$113,673	\$109,889	3.4%	\$71,000	\$66,000	7.6%	*	*	*	\$80,929	\$79,576	1.7%
Median Averages by Firm Size												
100+ lawyers	\$175,000	\$165,000	6.1%	\$71,750	\$69,000	4.0%	\$123,750	\$121,250	2.1%	\$100,000	\$95,000	5.3%
50-99 lawyers	\$131,000	\$131,000	0.0%	\$82,000	\$78,500	4.5%	\$97,044	\$93,500	3.8%	\$82,000	\$79,600	3.0%
30-49 lawyers	\$130,400	\$128,000	1.9%	\$75,000	\$72,000	4.2%	\$90,000	\$83,700	7.5%	\$63,300	\$60,000	5.5%
<30 lawyers	\$96,500	\$92,500	4.3%	\$70,000	\$65,000	7.7%	\$70,000	\$65,000	7.7%	\$72,000	\$69,900	3.0%

*Data not available
Source: 92 firms

HOURLY BILLING RATES

	Equity Partner		Percent Change	Non-Equity Partner		Percent Change	7th-Year Associate		Percent Change
	2013	2012		2013	2012		2013	2012	
Survey Median Averages	\$388	\$377	2.9%	\$350	\$345	1.4%	\$300	\$290	3.4%
Median Averages By City									
Austin/San Antonio	\$353	\$344	2.5%	\$355	\$343	3.6%	\$295	\$290	1.7%
Dallas/Fort Worth	\$499	\$487	2.5%	\$405	\$402	0.9%	\$345	\$325	6.2%
Houston	\$388	\$377	2.9%	\$348	\$336	3.6%	\$300	\$295	1.7%
Other	\$299	\$295	1.5%	\$224	\$216	3.7%	\$175	\$168	4.2%
Median Averages By Firm Size									
100+ lawyers	\$558	\$547	2.0%	\$463	\$453	2.1%	\$392	\$375	4.4%
50-99 lawyers	\$430	\$423	1.7%	\$340	\$340	0.0%	\$325	\$315	3.2%
30-49 lawyers	\$370	\$360	2.8%	\$353	\$348	1.4%	\$241	\$235	2.6%
<30 lawyers	\$350	\$350	0.0%	\$325	\$325	0.0%	\$225	\$225	0.0%

	4th-Year Associate		Percent Change	1st-Year Associate		Percent Change	Senior Legal Assistant		Percent Change
	2013	2012		2013	2012		2013	2012	
Survey Median Averages	\$260	\$250	4.0%	\$200	\$200	0.0%	\$146	\$145	0.3%
Median Averages By City									
Austin/San Antonio	\$245	\$245	0.0%	\$200	\$200	0.0%	\$150	\$145	3.1%
Dallas/Fort Worth	\$295	\$283	4.4%	\$230	\$222	3.6%	\$170	\$165	3.0%
Houston	\$260	\$250	4.0%	\$200	\$195	2.6%	\$125	\$125	0.0%
Other	\$203	\$200	1.3%	\$160	\$158	1.6%	\$65	\$62	4.8%
Median Averages By Firm Size									
100+ lawyers	\$337	\$328	2.7%	\$265	\$254	4.3%	\$210	\$201	4.5%
50-99 lawyers	\$245	\$245	0.0%	\$200	\$200	0.0%	\$150	\$145	3.4%
30-49 lawyers	\$251	\$248	1.4%	\$175	\$170	2.9%	\$130	\$130	0.0%
<30 lawyers	\$225	\$215	4.7%	\$175	\$175	0.0%	\$98	\$95	2.6%

Source: 92 firms

2013 TEXAS COURTHOUSE GUIDE

AN INDISPENSABLE REFERENCE
FOR THE COUNTRY'S
THIRD LARGEST LEGAL COMMUNITY

TELLER, UTTER & BOOKS

With the only directory that includes vital information to the legal community and more.

We provide the information to the court community and more.

Call 1-800-56-ETTS to order or visit our website at www.texaslawbooks.com



JULY 29, 2013

TEXAS LAWYER 23

AVERAGE HOURS BILLED PER WEEK

	Equity Partner		Percent Change	Non-Equity Partner		Percent Change	Associate		Percent Change	Legal Assistant		Percent Change
	2013	2012		2013	2012		2013	2012		2013	2012	
Survey Median Averages	35.0	35.0	0.0%	35.5	35.5	0.0%	37.5	36.9	1.7%	30.0	29.0	3.4%
Median Averages By City												
Austin/San Antonio	35.0	35.0	0.0%	38.4	38.1	0.8%	44.0	43.0	2.3%	30.0	29.0	3.4%
Dallas/Fort Worth	35.0	35.0	0.0%	33.0	30.0	10.0%	36.0	36.9	-2.4%	30.8	29.1	5.9%
Houston	36.5	35.5	2.8%	37.0	37.0	0.0%	37.5	37.3	0.7%	31.0	30.0	3.3%
Other	25.0	25.0	0.0%	37.5	37.3	0.7%	37.0	35.5	4.2%	20.0	20.0	0.0%
Median Averages By Firm Size												
100+ lawyers	30.0	31.0	-3.2%	28.0	28.0	0.0%	33.0	36.0	-8.3%	30.5	30.5	0.0%
50-99 lawyers	31.0	30.0	3.3%	36.0	36.0	0.0%	38.0	36.9	3.1%	28.0	28.2	-0.7%
30-49 lawyers	36.0	35.0	2.9%	37.3	37.3	0.0%	39.0	37.0	5.4%	31.0	29.5	5.1%
<30 lawyers	36.0	35.0	2.9%	39.5	39.3	0.6%	38.8	38.0	2.1%	33.7	33.0	2.1%

Source: 92 firms

SUPPORT STAFF SALARIES

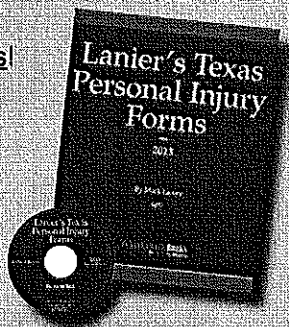
	Information Services Manager		Percent Change	Librarian		Percent Change	Marketing Director		Percent Change
	2013	2012		2013	2012		2013	2012	
Survey Median Averages	\$93,200	\$90,000	3.6%	\$59,653	\$59,007	1.1%	\$95,000	\$90,000	5.6%
Median Averages By City									
Austin/San Antonio	\$95,270	\$93,110	2.3%	\$55,000	\$52,500	4.8%	\$107,520	\$107,127	0.4%
Dallas/Fort Worth	\$87,860	\$87,720	0.2%	\$76,250	\$74,300	2.6%	\$97,000	\$95,000	2.1%
Houston	\$95,000	\$90,000	5.6%	\$50,000	\$48,700	2.7%	\$90,250	\$83,750	7.8%
Other	\$113,139	\$109,844	3.0%	\$30,000	\$29,100	3.1%	*	*	*
Median Averages By Firm Size									
100+ lawyers	\$101,818	\$97,609	4.3%	\$67,564	\$65,257	3.5%	\$116,985	\$115,985	0.9%
50-99 lawyers	\$86,000	\$86,000	0.0%	\$53,339	\$53,000	0.6%	\$135,000	\$135,000	0.0%
30-49 lawyers	\$90,000	\$90,000	0.0%	\$50,000	\$48,000	4.2%	\$67,300	\$65,000	3.5%
<30 lawyers	\$76,600	\$72,600	5.5%	\$55,000	\$52,500	4.8%	*	*	*

* Data not available.

Source: 92 firms.

**A Must-Have Book
for PI Litigators****Strengthen your practice by adding*****Lanier's Texas Personal Injury Forms, 2nd Ed.*
to your Law Library!****Includes a CD of over 200 forms!**

This book and companion CD will provide you with the library of renowned personal injury attorney Mark Lanier of the Lanier Law Firm and will guide you through your entire personal injury case from start to finish.

**About the Author**

W. Mark Lanier founded The Lanier Law Firm in 1990. Since then, Lanier has earned widespread recognition as one of the top trial lawyers in the United States. His work for clients across the country is supported by firm's offices in Houston, New York, Los Angeles and Palo Alto, California.



Lanier consistently is recognized among the country's leading legal minds by his peers and the media. *The National Law Journal* named him one of nation's Top 10 Trial Attorneys in 1998 and 2006, the same year the publication named Lanier as one of the 100 Most Influential Lawyers in America. In 2010, *The National Law Journal* named Mark as one of the most Influential Attorneys of the Decade. He has earned similar honors from other publications, including *The American Lawyer* and *Texas Monthly*. In its coverage of Lanier's stunning verdict in the nation's first Vioxx trial, *The New York Times* described him as one of the top civil trial lawyers in America.

Lanier is certified as a Personal Injury Trial Specialist by the Texas Board of Legal Specialization. He is licensed to practice in all Texas state and federal courts, as well as the U.S. Supreme Court. Lanier also is licensed to practice in New York state. He is frequently asked to instruct other attorneys about his trial techniques in seminars held across the nation.

Order today by calling 1.800.756.8993
or visit our online catalog at www.TexasLawyerBooks.com.

TEXASLAWYERBOOKS
www.TexasLawyerBooks.com

TIMEKEEPERS' SALARIES

	7th-Year Associate		Percent Change	4th-Year Associate		Percent Change	1st-Year Associate		Percent Change
	2013	2012		2013	2012		2013	2012	
Survey Median Averages	\$138,000	\$135,000	2.2%	\$124,375	\$120,000	3.6%	\$115,000	\$110,000	4.5%
Median Averages By City									
Austin/San Antonio	\$145,000	\$143,000	1.4%	\$135,000	\$135,000	0.0%	\$125,000	\$130,000	-3.8%
Dallas/Fort Worth	\$154,000	\$147,500	4.4%	\$130,000	\$130,000	0.0%	\$130,500	\$127,500	2.4%
Houston	\$138,575	\$136,000	1.9%	\$125,053	\$123,625	1.2%	\$95,000	\$90,000	5.6%
Other	\$102,500	\$101,000	1.5%	\$92,000	\$90,000	2.2%	\$77,750	\$75,500	3.0%
Median Averages By Firm Size									
100+ lawyers	\$190,000	\$187,500	1.3%	\$170,000	\$167,500	1.5%	\$147,500	\$146,500	0.7%
50-99 lawyers	\$145,000	\$150,000	-3.3%	\$135,000	\$135,000	0.0%	\$130,000	\$130,000	0.0%
30-49 lawyers	\$129,000	\$125,520	2.8%	\$111,000	\$112,000	-0.9%	\$95,000	\$90,000	5.6%
<30 lawyers	\$110,000	\$108,000	1.9%	\$98,125	\$97,500	0.6%	\$75,000	\$75,000	0.0%
	Legal Assistant 7+ Years of Experience		Percent Change	Legal Assistant 4-6 Years of Experience		Percent Change	Legal Assistant 1-3 Years of Experience		Percent Change
	2013	2012		2013	2012		2013	2012	
Survey Median Averages	\$68,723	\$66,500	3.3%	\$57,256	\$55,453	3.3%	\$50,150	\$48,000	4.5%
Median Averages By City									
Austin/San Antonio	\$67,612	\$67,535	0.1%	\$53,667	\$52,666	1.9%	*	*	*
Dallas/Fort Worth	\$74,900	\$72,800	2.9%	\$60,000	\$60,034	-0.1%	\$54,600	\$51,000	7.1%
Houston	\$65,825	\$62,890	4.7%	\$52,667	\$50,500	4.3%	\$50,000	\$48,000	4.2%
Other	\$56,067	\$54,389	3.1%	\$39,438	\$38,290	3.0%	\$31,200	\$30,031	3.9%
Median Averages By Firm Size									
100+ lawyers	\$77,054	\$73,691	4.6%	\$62,933	\$59,680	5.5%	\$55,625	\$53,050	4.9%
50-99 lawyers	\$66,500	\$66,500	0.0%	\$50,000	\$50,000	0.0%	\$40,000	\$40,000	0.0%
30-49 lawyers	\$68,488	\$66,463	3.0%	\$55,834	\$53,453	4.5%	\$52,124	\$51,444	1.3%
<30 lawyers	\$65,000	\$62,375	4.2%	\$51,256	\$52,684	-2.7%	\$29,900	\$29,900	0.0%

*Data not available
Source: 92 firms.

LEGAL SECRETARIES' SALARIES

	7+ Years of Experience		Percent Change	4-6 Years of Experience		Percent Change	1-3 Years of Experience		Percent Change
	2013	2012		2013	2012		2013	2012	
Survey Median Averages	\$55,009	\$54,773	0.4%	\$49,250	\$48,000	2.6%	\$39,000	\$38,000	2.6%
Median Averages By City									
Austin/San Antonio	\$51,500	\$49,000	5.1%	\$48,525	\$48,450	0.2%	\$48,084	\$47,334	1.6%
Dallas/Fort Worth	\$59,265	\$58,419	1.4%	\$46,270	\$44,353	4.3%	\$36,905	\$35,000	5.4%
Houston	\$60,000	\$58,200	3.1%	\$49,754	\$48,420	2.8%	\$45,950	\$44,250	3.8%
Other	\$45,271	\$43,638	3.7%	\$42,000	\$40,000	5.0%	\$27,300	\$27,000	1.1%
Median Averages By Firm Size									
100+ lawyers	\$60,118	\$58,532	2.7%	\$57,498	\$57,093	0.7%	\$53,000	\$51,000	3.9%
50-99 lawyers	\$56,308	\$56,036	0.5%	\$57,167	\$56,667	0.9%	\$50,000	\$48,000	4.2%
30-49 lawyers	\$54,474	\$52,471	3.8%	\$46,000	\$43,500	5.7%	\$36,905	\$36,005	2.5%
<30 lawyers	\$55,236	\$54,887	0.6%	\$49,250	\$48,000	2.6%	\$39,000	\$38,000	2.6%

Source: 92 firms.

EXHIBIT C

Summary Sheet of Taxable Costs*Benavides v. City of Austin*

Date	Description	Cost
4/30/2011	Copying expense for April 2011.	\$14.00
5/12/2011	Filing, citation, service and jury fees for Original Petition.	\$429.11
5/13/2011	Filing fee for Stribling's Motion to Withdraw.	\$10.91
5/13/2011	Filing fee for Motion to Non-Suit.	\$10.91
5/13/2011	Filing fee for Second Amended Petition.	\$10.91
6/6/2011	Copying expense for May 2011	\$5.80
11/2/2011	Postage expense for October 2011	\$5.79
12/28/2011	Givens Court Reporting Invoice No. SG-1201.b; deposition of Bryan Fitzpatrick	\$373.20
12/31/2011	Copying expense for December 2011	\$30.70
12/31/2011	Postage expense for December 2011	\$3.76
1/11/2012	Givens Court Reporting Inv. No. sg-1203; deposition of Kurtis Brown on 1/6/12.	\$326.70
1/23/2012	Ken Owen & Associates, LP Inv. No. 7-7440; deposition of James Hawley on 12/20/11.	\$953.85
1/31/2012	Copying expense for January 2012.	\$0.80
1/31/2012	Postage expense for January 2012.	\$7.98
2/10/2012	Givens Court Reporting Inv. Nos. sg-1207.b and sg-1208.b; depositions of Wright, Jakubauskas, Montgomery, Broadwater, Lindsley and Branning.	\$1,313.15
2/14/2012	Ken Owen & Associates, LP Invoice No. 7-7565; deposition of Harold James Shamard taken 1/31/12.	\$966.85
2/23/2012	Givens Court Reporting Inv. No. mp-1213.b; deposition of Peter DiDonato.	\$223.65
2/29/2012	Copying expense for February 2012	\$1.40
3/6/2012	Postage expense for February 2012.	\$29.52
3/26/2012	Ken Owen & Associates Inv. No. 7-7744; deposition of Dulaney-Smith.	\$866.15
3/31/2012	Copying expense for March 2012.	\$0.60
3/31/2012	Postage expense for March 2012.	\$19.32
4/30/2012	Copying expense for April 2012.	\$12.60
4/30/2012	Postage expense for April 2012.	\$0.90
5/14/2012	Ken Owen & Associates Inv. No. 7-7949; deposition of Sylvia Flores taken 051412	\$394.50
5/15/2012	Ken Owen & Associates Inv. No. 7-7953; depositions of Harold James Shamard and Manuel "Ernie" Rodriguez.	\$1,592.60
5/31/2012	Copying expense for May 2012.	\$28.40
10/31/2012	Copying expense for October 2012.	\$238.20
11/2/2012	FedEx Office costs for prints and tape for trial materials (voir dire scaled questions)	\$23.80

9/13/2013	Check No. 10878 to Arlinda Rodriguez for transcript of jury trial in Benavides case.	\$1,977.00
9/30/2013	Copying expense for September 2013.	\$0.40
9/30/2013	Postage expense for September 2013.	\$0.26
11/30/2013	Copying expense for November 2013.	\$4.00
	TOTAL	\$9,877.72

2/14/2014
12:09 PMDeats, Durst, Owen & Levy, P.L.L.C.
Expenses Only

Page 1

 Selection Criteria

Clie.Selection Slip.Slip Type	Include: CLEAT/Alvarez; CLEAT/Benavides Expense
----------------------------------	--

Transaction Date Description	User Value
4/30/2011 Copying expense for April 2011.	BCD \$14.00
4/30/2011 Westlaw charges for April 2011.	BCD \$36.14
5/13/2011 Filing fee for Stribling's Motion to Withdraw.	BCD \$10.91
5/12/2011 Filing, citation, service and jury fees for Original Petition.	BCD \$429.11
5/13/2011 Filing fee for Motion to Non-Suit.	BCD \$10.91
5/13/2011 Filing fee for Second Amended Petition.	BCD \$10.91
6/6/2011 Copying expense for May 2011.	AT \$5.80
5/31/2011 Westlaw charges for May 2011.	PD \$105.97
7/31/2011 Westlaw charges for July 2011.	PD \$16.91
7/31/2011 Westlaw charges for July 2011.	PD \$1.96
8/31/2011 Westlaw charges for August 2011.	BCD \$35.42

2/14/2014
12:09 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Expenses Only

Page 2

Transaction Date Description	User Value
11/2/2011 Postage expense for October 2011.	LM \$5.79
10/31/2011 Westlaw charges for October 2011.	BCD \$107.99
11/30/2011 Westlaw charges for November 2011.	MO \$102.33
12/28/2011 Givens Court Reporting Invoice No. SG-1201.b; deposition of Bryan Fitzpatrick.	BCD \$373.20
12/31/2011 Westlaw charges for December 2011.	PD \$132.66
12/31/2011 Westlaw charges for December 2011.	PD \$85.73
12/31/2011 Copying expense for December 2011.	BCD \$15.35
12/31/2011 Copying expense for December 2011.	BCD \$15.35
12/31/2011 Postage expense for December 2011.	BCD \$1.88
12/31/2011 Postage expense for December 2011.	BCD \$1.88
1/23/2012 Ken Owen & Associates, LP Inv. No. 7-7440; deposition of James Hawley on 12/20/11.	PD \$953.85
1/11/2012 Givens Court Reporting Inv. No. sg-1203; deposition of Kurtis Brown on 1/6/12.	MQ \$326.70
1/31/2012 Copying expense for January 2012.	LM \$0.80

2/14/2014
12:09 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Expenses Only

Page 3

Transaction Date Description	User Value
1/31/2012 Postage expense for January 2012.	LM \$7.98
1/31/2012 Westlaw charges for January 2012.	BCD \$44.01
2/10/2012 Givens Court Reporting Inv. Nos. sg-1207.b and sg-1208.b; depositions of Wright, Jakubauskas, Montgomery, Broadwater, Lindsley and Branning.	BCD \$1,313.15
2/14/2012 Ken Owen & Associates, LP Invoice No. 7-7565; deposition of Harold James Shamard taken 1/31/12.	BCD \$966.85
2/29/2012 Westlaw charges for February 2012.	MO \$20.68
2/23/2012 Givens Court Reporting Inv. No. mp-1213.b; deposition of Peter DiDonato.	MQ \$223.65
2/29/2012 Copying expense for February 2012.	BCD \$1.40
3/6/2012 Postage expense for February 2012.	BCD \$29.52
3/26/2012 Lunch expense for BCD and Kurt Brown during deposition of KD Smith.	BCD \$26.59
3/31/2012 Copying expense for March 2012.	BCD \$0.60
3/31/2012 Postage expense for March 2012.	BCD \$19.32
3/31/2012 Westlaw charges for March 2012.	BCD \$620.54

2/14/2014
12:09 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Expenses Only

Page 4

Transaction Date Description	User Value
3/26/2012 Ken Owen & Associates Inv. No. 7-7744; deposition of Dulaney-Smith.	BCD \$866.15
4/30/2012 Copying expense for April 2012.	LM \$12.60
4/30/2012 Postage expense for April 2012.	LM \$0.90
4/30/2012 Westlaw charges for April 2012.	BCD \$186.36
5/15/2012 Meal expense during depositions on 5/15/12.	BCD \$32.57
5/31/2012 Copying expense for May 2012.	LM \$28.40
5/14/2012 Ken Owen & Associates Inv. No. 7-7949; deposition of Sylvia Flores taken 051412	BCD \$394.50
5/15/2012 Ken Owen & Associates Inv. No. 7-7953; depositions of Harold James Shamard and Manuel "Ernie" Rodriguez.	BCD \$1,592.60
5/31/2012 Westlaw charges for May 2012.	BCD \$314.76
6/30/2012 Westlaw charges for June 2012.	BCD \$152.09
6/30/2012 Westlaw charges for June 2012.	PD \$290.88
7/31/2012 Westlaw charges for July 2012.	BCD \$80.57
8/31/2012 Westlaw charges for August 2012.	MO \$41.54

2/14/2014
12:09 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Expenses Only

Page 5

Transaction Date Description	User Value
8/31/2012 Westlaw charges for August 2012.	MO \$108.82
9/30/2012 Westlaw charges for September 2012.	BCD \$273.74
10/31/2012 Westlaw charges for October 2012.	MO \$843.39
10/31/2012 Copying expense for October 2012.	BCD \$238.20
12/31/2012 Westlaw charges for December 2012.	MO \$417.83
11/2/2012 Federal Express for prints and tape for trial.	MQ \$23.80
1/31/2013 Westlaw charges for January 2013.	MO \$17.49
2/28/2013 Westlaw charges for February 2013.	PD \$109.90
3/31/2013 Westlaw charges for March 2013.	MO \$158.45
4/30/2013 Westlaw charges for April 2013.	BCD \$15.38
5/31/2013 Westlaw charges for May 2013.	BCD \$71.73
6/30/2013 Westlaw charges for June 2013.	MO \$69.24
7/31/2013 Westlaw charges for July 2013.	PD \$30.54

2/14/2014
12:09 PM

Deats, Durst, Owen & Levy, P.L.L.C.
Expenses Only

Page 6

Transaction Date Description	User Value
8/31/2013 Westlaw charges for August 2013.	PD \$27.84
9/13/2013 Check No. 10878 to Arlinda Rodriguez for transcript of jury trial in Benavides case.	BCD \$1,977.00
9/30/2013 Westlaw charges for September 2013.	MQ \$864.46
9/30/2013 Copying expense for September 2013.	BCD \$0.40
9/30/2013 Postage expense for September 2013.	BCD \$0.26
10/31/2013 Westlaw charges for October 2013.	PD \$521.67
11/30/2013 Westlaw charges for November 2013.	MQ \$44.13
11/30/2013 Copying expense for November 2013.	LM \$4.00
12/31/2013 Westlaw charges for December 2013.	BCD \$38.65
1/15/2014 Parking fees for meeting Nov. 21, 2013.	BCD \$6.00
1/31/2014 Westlaw charges for January 2014.	BCD \$43.26
Grand Total	\$15,975.94

B. CRAIG DEATS
DEATS DURST OWEN & LEVY, PLLC
1204 San Antonio Street, Suite 203
Austin, Texas 78701
(512) 474-6200
FAX (512) 474-7896
E-mail: cdeats@ddollaw.com
www.ddollaw.com

ADMITTED TO PRACTICE

1978 - State Bar of Texas
1980 - United States District Court, Western District of Texas
1982 - United States District Court, Southern District of Texas
1986 - United States District Court, Eastern District of Texas
1986 - United States District Court, Northern District of Texas
2002 - United States Court of Federal Claims
1982 - United States Fifth Circuit Court of Appeals
2005 - United States Federal Circuit Court of Appeals

PROFESSIONAL EXPERIENCE

March 2005 to present.

Deats, Durst, Owen & Levy, P.L.L.C., 1204 San Antonio, Suite 203, Austin, Texas 78701, (512)474-6200. Shareholder representing labor unions and individual employees in all types of labor and employment litigation both in court and before administrative agencies. Also representing individuals in all types of personal injury litigation. General Counsel, Texas State Association of Fire Fighters, AFL-CIO-CLC.

January 2000 to February 2005.

Deats & Levy, P.C., 1204 San Antonio, Suite 203, Austin, Texas 78701, (512)474-6200. Shareholder representing labor unions and individual employees in all types of labor and employment litigation both in court and before administrative agencies. Also representing individuals in all types of personal injury litigation. General Counsel, Texas State Association of Fire Fighters, AFL-CIO-CLC.

December 1992 to December 1999.

Jenkins & Deats, P.C., 327 Congress Avenue, Suite 300, Austin, Texas 78701, (512) 474-6200. Shareholder. Represented labor unions and individual employees in all types of labor and employment litigation both in court and before administrative agencies. Also represented individuals in all types of personal injury litigation. General Counsel, Texas State Association of Fire Fighters, AFL-CIO-CLC.

November 1984 to November 1992.

Van Os, Deats & Owen, P.C., 900 Congress Avenue, Suite 400, Austin, Texas 78701, (512) 479-6155. Shareholder (1985-92), Associate (1984-5). Represented labor unions and individual employees in all types of labor and employment litigation both in court and before administrative agencies. Practice also included some personal injury litigation.

November 1978 to November 1984.

National Treasury Employees Union, 3636 Executive Center Drive, Austin, Texas 78731. Assistant Counsel (1978-83). National Counsel (1984). Staff attorney for federal employee union representing Internal Revenue Service, Customs and other federal employees in labor and employment matters both in court and before administrative agencies. During the last year, supervised the union's Austin regional office of four attorneys and support personnel.

EDUCATION

1989	Certified, Labor & Employment Law, Texas Board of Legal Specialization
1978	Doctor of Jurisprudence, with Honors, University of Texas Law School
1975	Bachelor of Arts, Austin College, Sherman, Texas

PROFESSIONAL INVOLVEMENT & RECOGNITION

1999-2014	Fellow, Texas Bar Foundation
1998	Course Director, Advanced Employment Law Course, State Bar of Texas
1998-9	Immediate Past Chair, Labor & Employment Law Section, State Bar of Texas
1997-8	Chair, Labor & Employment Law Section, State Bar of Texas
1996-8	Vice Chair, Labor & Employment Law Section, State Bar of Texas
1995-9	Member, Labor & Employment Law Advisory Commission, State Bar of Texas
1995-6	Chair, Labor & Employment Law Section Pro-Bono Committee
1994-6	Governing Council Member, Labor & Employment Law Section, State Bar of Texas
1994-5	Governing Council Member, Labor & Employment Law Section, Travis County Bar Association
2005-2014	Texas Super Lawyers
1993-2014	Best Lawyers in America (Labor & Employment Law)
Member:	SBOT Labor & Employment Law Section, Austin Bar Association, Austin B.A. Labor & Employment Section, Texas Employment Lawyers Association, National Employment Lawyers Association, AFL-CIO Lawyers Coordinating Committee, American Constitutional Society

ARTICLES & PRESENTATIONS

1993	"Special Problems Posed By the ADA for Union Employers" presented at SMU Law School's Americans With Disabilities Act Seminar
1994	"Americans With Disabilities Act Update" presented at State Bar of Texas, Labor & Employment Law Section's Annual Labor & Employment Law Update
1994	"The Elusive Texas Constitutional Tort" presented at State Bar of Texas Advanced Employment Law Course
1995	"Litigating the ADA/FMLA Case" presented at Nuts & Bolts of Plaintiff's Employment Litigation III Seminar, Dallas-Ft. Worth Chapter, National Employment Lawyer's Association.
1996	"The Texas Whistleblower Act: Requirements & Recent Amendments" presented at the University of Texas Law School's County and District Clerks Educational Conference
1997	"Enforcement of Arbitration Agreements in Employment Contracts - Plaintiff's Perspective" presented at the University of Texas Law School's Fourth Annual Conference on Labor & Employment Law
1997	"Update on the Texas Whistleblower Act and the Sabine Pilots Doctrine" presented at the Travis County Bar Association's Labor & Employment Law Seminar
1998	"Claims of Attorney-Client Privilege, Attorney Work Product, and Investigative Privileges by Corporate Employers" presented at the University of Texas Law School's Fifth Annual Conference on Labor & Employment Law

1999	“Update on the Texas Whistleblower Act” presented at Employment Law in Administrative Agency Proceedings Seminar by the Travis County Bar Association
2000	“Sovereign & Individual Immunity in Public Employment Cases” presented at the University of Texas Law School’s Seventh Annual Conference on Labor & Employment Law
2003	“The Fair Labor Standards Act: Issues Regarding FLSA Collective Action and Selected Other Topics” presented at the University of Texas Law School’s 10 th Annual Conference on Labor & Employment Law
2004	“Update on Sovereign and Individual Immunity in Public Employment Cases” presented at the State Bar of Texas Advanced Employment Law Course
2005	“Update on Sovereign and Individual Immunity in Public Employment Cases” presented at the Texas Employment Lawyer’s Association Annual Conference in Oaxaca, Mexico
2006	“First Amendment Protection for Union Association and Political Activity” presented at the International Association of Fire Fighters Attorneys’ Conference in Bal Harbour, FL
2008	“Public Sector Update,” presented at the SBOT Labor & Employment Law Section’s 19 th Annual Employment Law Update Seminar in Santa Fe, NM
2009	“First Amendment Protection for Union Association and Political Activity” presented at the International Association of Fire Fighters Attorneys’ conference in Miami Beach, FL
2011	“First Amendment Protection for Union Association and Political Activity” presented at the International Association of Fire Fighters Attorneys’ conference in Hollywood, FL
2012	“Fair Labor Standards Act – the Basics,” presented at the AFL-CIO LCC Union Lawyers Conference in Chicago, IL
2013	“Fair Labor Standards Act Boot Camp” presented at the ABA Labor & Employment Law Section in New Orleans, LA
2014	“Nuts and Bolts of FLSA” presented at the SBOT Labor & Employment Law Section’s “Employment Law 101” Seminar in Dallas, Texas

EXHIBIT E

MANUEL QUINTO-POZOS

1204 San Antonio Street • Suite 203 • Austin, Texas 78701 • (512) 474-6200 • mqp@ddollaw.com

Education

University of Illinois College of Law, Champaign, Illinois
GPA 3.81/4.0. Juris Doctor, May 2007 (Summa cum laude)

University of Texas at Austin, Austin, Texas
GPA 3.84/4.0. Bachelor of Science with High Honors in Biochemistry, December 1998

Experience

Deats, Durst, Owen & Levy, P.L.L.C. *Attorney*, June 2011 – Present

- Employee-side labor and employment litigation
- Employment discrimination, harassment, retaliation, wage and overtime claims
- Employee and union representation in grievances, investigations, disciplinary matters and negotiations

ACLU Foundation of Texas *Staff Attorney*, September 2010 – June 2011

- Litigation, policy and public education in religious liberties, free speech, GLBT, and reproductive rights
- Maintain an active docket developing new and pursuing ongoing litigation and investigations
- Supervise staff members, legal fellows, volunteer attorneys and interns
- Interview and sustain communication with clients and complainants

Latham & Watkins LLP *Summer Associate*, 2006; *Associate*, September 2007 – September 2010

- Involved in commercial litigation, employment disputes, patent litigation, trade secret disputes, and government and internal company compliance investigations.
- Wrote pleadings and memoranda on litigation topics, discovery disputes, jurisdiction, and damages
- Conducted client and witness interviews during investigations and in preparation for document collection
- Conducted research for various commercial, intellectual property, and employment litigation matters
- Participated in and coordinated all aspects of document collection, review, and production
- Proofread and corrected documents before submission to court and for corporate transactions
- Reviewed, catalogued, and summarized documents for litigation and corporate transactions

ACLU of Illinois *Summer Intern*, May – August 2005

- Drafted numerous memoranda in preparation for litigation involving civil rights and civil liberties
- Conducted preliminary research and client interviews on potential litigation situations

University of Pittsburgh School of Law *Research Assistant*, May – August 2004

- Conducted legal research, drafted memoranda and edited articles and pleadings for two professors

Goldstein & Associates, LLC, Pittsburgh, Pennsylvania *Paralegal*, September 2002 – July 2003

- Drafted immigration applications and communicated with clients, attorneys, and government officials

Ambion, Inc., Austin, Texas *Research Associate*, September 2000 – July 2002

- Designed and optimized experiments for biotechnology Research and Development Department
- Achieved development and launch of two new products

M.D. Anderson Cancer Center, Smithville, Texas *Research Assistant*, January 1999 – September 2000

- Designed and optimized various virology, neurology and cell biology experiments

Admissions

Texas, admitted November 2009
Illinois, admitted November 2007

Languages

Spanish (native), Portuguese (fluent), and American Sign Language (ASL) (intermediate)